

TRANSLATION OF  
A DIGEST  
OF THE  
BURMESE, BUDDHIST LAW  
CONCERNING  
INHERITANCE AND MARRIAGE;  
BEING  
A COLLECTION OF TEXTS FROM THIRTY-SIX DHAMMATHATS,  
COMPARED AND ARRANGED UNDER THE SUPERVISION OF  
U GAUNG, C.S.I.,  
*EX-KINWUN MINGYI,*  
LATELY A MEMBER OF THE LEGISLATIVE COUNCIL OF HIS HONOUR THE  
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423	A married woman supports another man with her husband's property	261
424	A married woman elopes with a man who subsequently deserts her and marries another woman.	ib.
425 } to } 427 }	(Omitted.)	
428	A married woman claims another man as husband ...	ib.
429 } to } 436 }	(Omitted.)	
437	A man gives his wife to another, but subsequently claims her ...	262
438	The husband dies while the wife is living in clandestine intercourse with a paramour : the wife wishes to marry him.	263
439	The wife demands restoration of gifts secretly made by her husband to another woman through affection.	264
440	(Omitted.)	
441	Whether a marriage is dissolved when a couple have separated, but have not yet divided their property.	265
442	The wife being suspected of misconduct, a separation takes place ; before the property is divided the wife marries the man with whom she is compromised	266
443	A man says to a woman having a husband, "Divorce your husband and I will marry you"; or a woman says to a man having a wife, "Divorce your wife and I will marry you"; after acting on the promise, the promisor breaks his word and refuses to marry.	267
444 } to } 452 }	(Omitted.)	...
453	The wife is not responsible for the compensation which her husband is liable to pay for adultery.	268
454	After compensation has been adjudged, but before delivery of the amount, if a divorce takes place or if any one of the three persons interested in the matter, namely, the husband, the wife, and the adulterer, dies the liability to pay compensation ceases.	269
455 } to } 458 }	(Omitted.)	...







A DIGEST  
OF THE  
BURMESE BUDDHIST LAW CONCERNING MARRIAGE,  
BEING  
A COLLECTION OF TEXTS FROM THIRTY-FOUR DHAMMATHATS,  
COMPARED AND ARRANGED BY  
EX-KINWUN MINGYI AFTER CONSULTATION WITH  
LEARNED BUDDHIST MONKS AND LAYMEN.

Commenced in May 1895 A.D., Kasôn 1257 B.E., the two thousand four hundred and  
thirty-ninth year of the Buddhist Religion.

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VOLUME II.

Marriage.

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CHAPTER I.

INVOCATION AND PREFACE.

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SECTION I.

INVOCATION.

Reverence to the Blessed One, the Holy One, the Enlightened One.

May the Law which, having originated in the mouth of the Buddha the Lord of *rahans*, is pure and excellent, and which is the refuge of all sentient beings, inspire me with pleasure.

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SECTION 2.

PREFACE.

There are many rulings, Dhammathats, and other law books compiled by learned jurists during the time of the ancient kings succeeding Mahâthamada. These compilations are based on such Dhammathats as Manu and Mano, which were given by holy *rishis* who were endowed with supernatural power to King Mahâthamada, the first ruler of mankind.



A Dhammathat is a collection of rules which are in accordance with custom and usage, and which are referred to in the settlement of disputes relating to person and property. Of the eighteen branches of law treated of in the Dhammathats those which are most frequently referred to are the laws concerning inheritance and marriage. With a view to facilitate reference to the said two branches of law, and of obviating the necessity of referring to the Dhammathats themselves, I purpose to collect, in a single work, the rules contained in the various Dhammathats. All the Dhammathats extant have been collected, and their total number is thirty-six, namely,—

thirteen, such as the Manosâra Shwe-myin, and Manuvannanâ, written in Pâli ;

twelve, such as the Mânussika, Dhammavilâsa, and Vinicchayakungya, written in Burmese prose ; and

eleven, such as the Myingun, Kandaw-Mingyaung, Pakinnaka, and Manuvannanâ, written in Burmese verse.

Having dealt with the subject of inheritance, I shall now take up that of marriage, and shall as before make extracts which shall be faithful transcriptions from thirty-four out of the thirty-six Dhammathats mentioned above, no extracts being made from the Amwebôn and Sesadâyajja-Dîpaṇī Dhammathats.

## CHAPTER II.

### INSTRUCTIONS TO READERS, (OF THE ORIGINAL).

#### SECTION 3.

#### INSTRUCTIONS TO READERS (OF THE ORIGINAL).

(a) The table of contents shows the thirteen chapters under which cases of an identical or a similar nature are grouped together, and each case marked off with a number as a section, commencing from section 5, which contains the original prefaces to the Dhammathats, to section 458.

(b) The appendix shows the names and the number of Dhammathats out of the thirty-four, which treat of a case in common, and the number given to it in the Digest. If a case occurs more than once in the same Dhammathat, such occurrence is indicated by numbers placed over the figure (1) ; e.g., number 2 placed over figure (1) shows that it occurs twice, and number 3 placed over figure (1) shows that it occurs three times, and so on.

(c) The first section contains the invocation.

(d) The second section contains the preface.



(e) Chapter II, section 4, gives in a tabular form the names of the thirty-four Dhammathats, in chronological order, their abbreviated names as used in the Digest, the years of their production and the names of the authors together with the opening sentences and summary accounts of each.

(f) To each of the cases in the law of marriage a serial number is given as sections, as well as a short title of the case. Complete original extracts of the law bearing on the point are made from as many Dhammathats as treat of the point in question, and arranged in the chronological order of the Dhammathats.

(g) Some of the extracts contain in one paragraph two, three, or more cases of a similar nature with only one provision of law for all.

The reason why each case cannot be given as a section with a separate number and provision of law for it, like the rest of the cases in the Digest is, that every case contained in the extract is taken up again in other parts of the Digest in its appropriate place.

(h) When a case is discussed in the same Dhammathat more than once, the several discussions are not given in a continuous form, but in as many separate paragraphs as the number of times discussed, and arranged in the order in which they are in the Dhammathat, with the word "ditto" shown by the side of the paragraph in order to show that the same case is treated of again in the same Dhammathat.

(i) In some extracts there is one provision of law for two, three, or more similar cases contained in a *gāthā*, paragraph, or stanza of the Dhammathat. Wherever there is an extract of this nature, the various cases are not given severally, but the whole extract in Pāli with its translation, in prose, or in verse according as the original is in one or other of those forms, is given above the first sentence of the extract, and a little removed towards the right side of the page.

(j) In the original extracts containing two or more similar cases, the first of the similar cases is distinguished by a (∞), the second by a (◉), the third by a (◌) and so on, using the letters of the Burmese alphabet in their order, so as to facilitate reference when any of them is taken up again in other parts of the Digest.

(k) If any of the similar cases besides the first considered in any one chapter is again taken up in another chapter, a reference is made to the former by quoting the chapter, section, and the distinguishing letter. If such cases are considered in the same chapter but under different sections, reference is made in the same way by quoting the section and the distinguishing letter. If they are considered in the same section, reference is made only by quoting the distinguishing letter.

[NOTE.—(i), (j), and (k) refer to the extracts printed in small type.]



## SECTION 4.

The annexed table gives the names of the thirty-four Dhammathats from which extracts have been made in compiling the Digest, their abbreviated names as used in the Digest, the years, as far as they are known or ascertainable, in which they were written, the names of the authors, and a summary account of each. Regard is given to the age of the Dhammathats and not to the style in which they are written, in arranging them in the table. Where the year in which a Dhammathat was written is mentioned in the preface or elsewhere it is left as it is ; but where no such mention is made, but only a statement that the Dhammathat was written during the reign of a certain king, the year of that king's ascension to the throne according to the Hmannanyazawin-dawgyi, is given as the year in which it was written.

All Dhammathats in which no mention of either is made, are given in the same table below those arranged in chronological order and separated from the latter by a line.



*List of the thirty-four Dhammathats in Chronological Order.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
1	Manosāra, in Pāli.	Mano ...	...	The list is headed by this Dhammathat because its introduction says that it was presented by the Rishi Manosāra to King Mahāthamada. On the other hand the History of the Pīṭakat says that the same work was compiled by eight judges during the reign of the Taunguyaukmin, son of Sinbyuyin, king of Hanthawaddy, and that it is also known by the name of Dhammathatkyaw.
2	Mānussika, prose	Mānussika ...	...	The second place in the list is accorded to this Dhammathat because its introduction says that it was presented to King Mahāthamada by the Rishi Manu. The History of the Pīṭakat, however, says that it was compiled by the Rishi Gawunpate and the Thagyamin during the time of Kassapa Buddha.
3	Pyu-min, in Pāli	Pyu ...	89	It is stated in the Dhammathat that the work was compiled in Pāli in the year 89 B.E., by Pyumindi, King of Pagan, the Thagyamin, and a Rishi; that it was subsequently translated into Talaing by the kings of Rāmaññadesa; and that during the reign of Sinbyuyin, king of Hanthawaddy, the work was translated into Talaing and edited by Buddhaghosa, at the instance of the Crown Prince. The History of the Pīṭakat, however, says that the Dhammathat ascribed to Pyumindi is another work.
4	Dhammavilāsa, prose.	Vilāsa ...	455	The introduction says that it is an abridged edition of the Manu Dhammathat by Dhammavilāsa. The History of the Pīṭakat says that it is based on the Manuyin Dhammathat and was compiled during the reign of Narapatisithu, king of Pagan, who ascend-



*List of the thirty-four Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
5	Waru, in Pāli...	Waru ...	643	ed the throne in 455 B.E., by Dhammavilāsa, a native of Pa-tippateyya village in Dala district, whose monastic name was Sāriputtara and whose title was Dhammavilāsa.  The introduction says that it was originally compiled in Talaing on the basis of the Manu Dhammathat, at the instance of Waru, king of Martaban, and that it was translated into Burmese by Buddhaghosa. . The Life of Yazadarit says that Magadu became king of Martaban in 643 B.E., and in a hall constructed in the centre of the town, a Dhammathat was compiled by an assembly of learned men, and the compilation was known as Waru Dhammathat after the title assumed by the king. This statement is confirmed by the list of Dhammathats appended to the History of the Piṭakat.
6	Dhammathat-Kungya, prose.	Kungya ...	788	According to the preface it was written in four volumes, in 75 B. E., by Minpyan, Pagan Prince, having for its basis an old Dhammathat, which contained more rules than the Manu, Mano, Dhammavilāsa, and Mānussika Dhammathats, and which was written as far back as 11 B.E. The old Dhammathat was in the possession of Sadaw Mahāsangharājadhamma, who resided at Pagan, in the gilt monastery built by Mohnyinmindayagyi, who ascended the throne of Ava in the year 788 B.E. In the History of the Piṭakat, it is not found mentioned as Dhammathat-Kungya, but as Paganpyanchi and Le-zaungdwè.
7	Kaingza Shwo Myin, in Pāli.	Kaingza ...	991	The preface states that it was written by Rishi Manusāra and given to King Mahāthamada. There



*List of the thirty-four Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
8	Mahayazathat, prose.	Yazathat ...	991	is no epilogue. The History of the Pitakat says that the Dhammathat handed down from King Mahāthamada was edited by Manurāja Amat, "eater" of Kaingywa village, with the help of the famous priest of Taungpila during the reign of Thalunmindayagyi, builder of the Rājamañicūlā pagoda, who ascended the throne in 991 B.E. In the preface it is said that it was written by Manurāja Amat, Judge and "eater" of Kaingywa village, in compliance with the request of Thalunmindayagyi, who ascended the throne of Ava in 991 B.E. The year of the completion of the work is not mentioned. The same account appears in the History of the Pitakat.
9	Myingun, verse	Myingun ..	1012	The preface states that it was written by a monastic pupil of the Ledatkyauṅ Sayadaw of Sa-guṅg, while residing at Taung-baw <i>kyaung</i> in his native town of Myingun, and that it was completed in 1012 B.E. The name of the author is not expressly mentioned. According to the History of the Pitakat, it was written in 1012 B.E. by <i>thero</i> Dhammavilāsa, in a <i>kyaung</i> , on a hill, at Myingun. He was a pupil of the Sayadaw, who resided in a <i>kyaung</i> near Shwezigōn pagoda, which was built by Minkyizwa-sawke of Ava.
10	Dhammathat-kyaw, prose.	Dhammathat-kyaw.	1095	The preface states that it was compiled from Manu, Mano, Dhammavilāsa, and Dhammathatkyaw by Mahā Buddhinkṛa, Sayadaw to Hanthawaddy-yauk-min, builder of the Lokasarabhū-pagoda, who ascended the throne of Ava in 1095 B.E. The year in which the work was completed is not mentioned. In the History



*List of the thirty-four Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
11	Dhammavinichaya, prose.	Dhamma ...	1114	of the Piṭakat, the same work appears under the different name of Lezaungdwè Dhammathat, and is said to have been compiled from four Dhammathats, Manu, Mano, Dhammavilāsa and Dhammathakya, by <i>thero</i> Nānadharmavilāsa, who resided in a four-storied <i>kyauṅ</i> , erected on the north-west of Mahāmyatmuni pagoda, by Nyaungyanmin-daya, the second king of Ava. The preface states that it was written by Letwēnandāsithu, one of the ministers. The year of completion of the work is not mentioned. According to the History of the Piṭakat, it was written by Judge Letwēbinanthu, during the reign of Alompra, founder of Shwebo, who ascended the throne in 1114 B.E. In this also the year in which the work was completed is not mentioned.
12	Manugyè, prose	Manugyè ...	1114	Neither the name of the author nor the year of the completion of this Dhammathat is mentioned in the work itself. According to the History of the Piṭakat, it was written by Bhummajeya Mahāstriut-tamajeya Thingyan, Wun in charge of the moat of the city of Shwebo, during the reign of Alompra, who ascended the throne in 1114 B.E.
13	Kandawpakoinnakalinga, verse.	Kandaw ...	1120	The preface says that it was written by <i>thero</i> Lankāsāra in the year 1120 B.E. According to the History of the Piṭakat, it was written by U Tun Nyo, whose title was Mingyi Mahāsithu, Wun of Twinthintak. It is therefore believed that it must have been written while he was still a monk.
14	Shintozawtharashwemyin, in Pāli.	Tojo ...	1122	The preface says that it was translated from the Pāli by <i>thero</i> Tezawthara, at the solicitation of



*List of the thirty-four Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
15	Vannadhamma Shwemyin, in Pāli.	Vannadhamma	1125	<p>Mingyi Minkyawdin, Prime Minister at the time of Sagaing Mindayagyi, who ascended the throne of Shwebo in 1122 B.E., with the title of Sthasūramahārāja. It is not found in the list of Dhammathats given in the History of the Piṭakat.</p> <p>The preface says that, in consequence of errors having, in the course of time, crept into the Manusāra Dhammathat, which was handed down from King Mahāthamada and successively edited during the reigns of Pyāmindi, king of Pagan, the Talaing kings, Sinbyuyin, king of Hanthawaddy and Thalunmindayagyi, it was again edited by Vannadhammakyawdin, Atwinwun in the reign of Sinbyuyin, the third king of Ava, who ascended the throne in 1125 B.E. According to the History of the Piṭakat it was compiled by Atwinwun Vannadhammakyawdin Mahāzeyathura, from the ten volumes of the original Manusāra Dhammathat in Pāli, which had been edited by Judge Manurāja "eater" of Kaingywa, in conjunction with the well-known monk of Taungpila.</p>
16	Manuvappanā, verse.	Vappanā ...	1126	<p>The preface says that it was written in 1126 B.E., by a pupil of the Taungdwin Sayadaw, who received the title of Nānālankāra Mahārājaguru. According to the History of the Piṭakat, it was written by Mingyi Mahāsithu, Wun of Twinthintaik. It is believed that the Taungdwin Sayadaw's pupil was no other than the Wun of Twinthintaik.</p> <p>The Manuvappanā in verse is placed in this list before the Manuvappanā in Pāli, written by Vannadhamma, because the</p>



*List of the thirty-four Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	former was not based on the latter, but was composed eight years previous to it.
17	Manuyin, verse	Manuyin ..	1129	The preface says that the work was completed in 1129 B.E., without mentioning the name of the author. According to the History of the Piṭakat, it was composed by the Wun of Twinthintaik.
18	Vinicchayarāsi, prose.	Rāsi ...	1129	The preface says that the work was completed in 1129 B.E., but it does not mention the name of the author. According to the History of the Piṭakat it was written during the reign of Hanthawaddy-yauk-min by <i>thero</i> Khemācāra, a native of Mēdi village, near Popa, and a pupil of Patama Kyawaungsanda Sayndaw.
19	Vinicchayapakāsant, in Pāli.	Vinicchaya ...	1133	The preface says that it was written by Vannadhammakyawdin Amat in 1133 B.E., during the reign of Sinbyuyin, the third king of Ava. According to the History of the Piṭakat, Vannadhammakyawdin Mahāzoyathu, Myoza of Yindaw, Wun of the nine Northern Troops of Cavalry, and Atwinwun during the time of King Sinbyuyin, put into Pāli together with a translation the Mahāyazathat, which was written in compliance with the request of King Thalunmindayagyi, by Manurāja Amat, Judge, and "cater" of Kaingywa.
20	Manuvannanā, in Pāli.	Manuvannanā	1134	The preface says that it is an amplification of Manu Dhammathat by Amat Vannadhammakyawdin, made in the year 1134 B.E., during the time of King Sinbyuyin. The same account of it is given in the History of the Piṭakat.
21	Vinicchayapakāsant, verse.	Pakāsant ...	1139	The preface says that it was written by Letwēthōndara in 1139 B.E. In the History of the Pi-



*List of the thirty-four Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	
22	Mohavicchedanī, in Pāli.	Vicchedanī ...	1139	<p>īakat also it is said that it was written by Judge Letwèthōndara, whose ordinary name was U Myat San.</p> <p>The preface says that it was written in 1139 B.E., by Amat Rājābalakyawdin, during the reign of King Singu. In the History of the Pīṭakat also it is said that the work was written by Amat Rājābala, that he was a native of Chaunggauk village in Pakangyi district, and that he entered the service as Atwinwun and was "eater" of Thetpan village during the reign of the first king of Amarapura.</p>
23	Rājābala, in Pāli.	Rājābala ...	1142	<p>The preface says that it was written in 1142 B.E., by Amat Rājābala, at the request of Prince Paganmin, during the reign of King Singu. It is not given in the list of Dhammathats in the History of the Pīṭakat.</p>
24	Sōndamanu, in Pāli.	Sōnda ...	1143	<p>The preface says that it was a translation into Pāli of the Mani Dhammathat in prose, by monk Nandamālā, a native of Paukmyin village, in Bagyi circle. According to the History of the Pīṭakat, it was written by the Sayadaw, whose monastic designation was Nandamālā, and whose seal as a Sayadaw bore the title of Nandamālābhivamsa Sīridhaja Mahādhammarājādhirājaguru, during the time of the first king of Amarapura, who ascended the throne in 1143 B.E. The Sayadaw was known as Sōnda Sayadaw, owing to the fact of his leaving Sinbyugyun and residing at Sōnda village in Bagyi circle, and the Dhammathat was called after him ■ the Sōnda Dhammathat.</p>



*List of the thirty-four Dhammathats in Chronological Order—continued.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
25	Manu, in Pāli ...	Manu ...	Year. 1143	The preface says that during the reign of the first king of Amarapura, who ascended the throne in 1143 B.E., one Maung Myat Thi, whose name as a monk was Ketuja, a native of Wunkyi village in Tabayin district, wrote in Pāli the Manu Dhammathat and its commentary at Amarapura; and that the translation of the above work was made by Sayadaw Lankārāma during King Mindōn's reign. No mention is made of this Dhammathat in the History of the Pīṭakat.
26	Pāṇam Pakipaka, verso.	Pāṇam ...	1143	The preface says that it was composed by Pāṇam Wungyi, Mingyi Śrīmahāsthāsū, during the reign of the first king of Amarapura. The year of the completion of the work is not given. No mention is made of it in the History of the Pīṭakat.
27	Rescript ...	Rescript ...	1146	Contains orders issued in 1146 B.E., during the reign of the first king of Amarapura.
28	Vinicchayakungya, verse.	Kungyalinga	1165	The preface says that it was written in 1165 B.E., by Maung Pō Thi, whose title as clerk in charge of the Royal boats was Pyanchiwe-thaw. No mention is made of this Dhammathat in the History of the Pīṭakat.
29	Waru, verse ...	Warulinga ...	1184	The preface says that it was written in 1184 B.E., by one U Shwe Po, bearing the title of Rājakyawthu. According to the History of the Pīṭakat, it was written by Maung Po, a native of Ywamun village, in Alōn district, who was tutor to Shwedaung Mintha, son of the first king of Amarapura.
30	Dhammasā r a - mañjū, verso.	Dhammasāra	1207	The preface says that it was written in 1207 B.E., by Theinkasithu-



*List of the thirty-four Dhammathats in Chronological Order—concluded.*

No.	Name of Dhammathat.	Abbreviation.	Date of compilation according to Burmese era.	Remarks.
			Year.	gyaw, clerk to the Moda Wundauk.
31	Manucittara, verse.	Cittara ...	...	The work has no preface. The author and the year in which it was written are not known. In the History of the Piṭakat it is simply stated that it was written by an unknown monk.
32	Shinthapa ...	Shinthapa ...	...	The work says that it was written by Shinthapa, but it does not say in what year. No mention is made of it in the History of the Piṭakat.
33	Kyetyo ...	Kyetyo ...	...	The names of authors and the years of the completion of the works are not given in these works. Neither are they mentioned in the History of the Piṭakat.
34	Kyannet ...	Kyannet ...	...	

### CHAPTER III.

#### PREFACES TO THE DHAMMATHATS.

##### SECTION 5.

#### ORIGINAL PREFACES TO THE CHAPTER ON MARRIAGE AND DIVORCE.

O great king and first ruler of mankind ! One of the five duties of Waru. parents towards their children is to give them in marriage after having provided for them suitable marriage portions.

O great king ! I shall lay down the rules regarding the seduc- Ditto.  
tion of wives and daughters.

Having taken refuge in the Buddha, His law, and His monk- Myingun.  
hood, paid homage to my tutors, and besought the aid of the *nats*,  
I shall treat of the rules relating to offences against matrimony.

Having taken refuge in the Buddha, Lord of the three worlds, Ditto,  
His law and His monkhood, paid homage to my tutors, and be-  
sought the aid of the *nats*, I shall enumerate the different kinds  
of wives.



- Myingun Having taken refuge in the Buddha, Lord of the three worlds, His law and His monkhood, paid homage to my tutors, and besought the aid of the *nats*, I shall record for the guidance of the righteous the rules relating to marriage.
- Kandaw. Having successfully completed the sixth chapter, I shall proceed to treat of the subject (of marriage) in the seventh.
- Vannanā. I shall reproduce the rules relating to marriage as originally laid down by Manu.
- Manuyin. Lend me your attentive ears, and I shall chant the rules relating to marriage.
- Ditto. I shall now explain the rules relating to marriage, a subject of great importance to all men.
- Manu-vannanā. In the eighth chapter I shall treat of the rules concerning marriage. Let all good men pay heed to them.
- Pānam, 1st and 2nd extracts. In the fifth chapter I shall record the rules concerning offences relating to marriage, and in the sixth those relating to the giving of daughters in marriage.
- Warulinga. I shall now proceed with the rules concerning the giving of children in marriage.
- Dhamma-sāra. I shall enumerate the four classes of virgins mentioned in the Dhammathats.
- Cittara. The seven classes of wives are as follows :—  
 (1) A wife like a mother ; (2) a wife like a sister ; (3) a wife like a friend ; (4) a wife like a slave ; (5) a wife like an enemy ; (6) a wife like a thief ; and (7) a wife like a master.  
 There are six kinds of female blemishes, five kinds of female impropriety and four kinds of female pride. There are five duties of the husband towards the wife, and the same number of duties of the wife towards the husband.

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#### CHAPTER IV.

##### FEMALE PRIDE, IMPROPRIETIES AND BLANDISHMENTS.

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#### SECTION 6.

##### THE FOUR KINDS OF FEMALE PRIDE.

- Manoḥ The four kinds of female pride are :—  
 Pride in (1) personal beauty, (2) good birth, (3) wealth, and (4) high family connections.  
 The wife possessing these four kinds of pride shall not be put away.



O great king! Remember that there are four kinds of pride Waru. which women are prone to exhibit. They are:—

Pride in (1) wealth, (2) beauty, (3) high family connections, and (4) good birth.

The four kinds of female pride are:—

Pride in (1) personal beauty, (2) good birth, (3) high family Kaingza. connections, and (4) wealth.

The four kinds of female pride are:—

Manugyè.

(1) When a woman is born in a station higher than that of her husband, the pride she feels in her superior birth is called pride in birth; (2) when a woman, conscious of her possession of the five qualities of personal beauty, namely, (a) fine and long hair, (b) well-proportioned form, (c) good complexion, (d) symmetrical arrangement of the teeth and bones, and (e) youthful appearance, and of the inferior claims of her husband to such distinction, makes light of him and does not show respect to him, she is said to pride herself in her beauty, and such pride is known as pride in personal beauty; (3) when a woman, possessed of considerable wealth and married to a man with slender means, behaves in an overbearing and haughty manner towards him as well as towards others, she is said to take a pride in her wealth, and such pride is known as pride in wealth; and (4) when a woman, having many relatives and connections, makes light of her husband who has none or very few, she is said to take a pride in her family connections, and such pride is known as pride in family connections.

[Substantially the same as Kaingza.]

Kandaw.

[The same as Kaingza.]

Tejo.

[The same as Kaingza.]

Vanna-  
dhamma.

[Substantially the same as Kaingza.]

Râsi.

[Substantially the same as Kaingza.]

Manu-  
vanṇanā.

[Substantially the same as Kaingza.]

Manu

[Substantially the same as Kaingza.]

Pānaṃ.

The four kinds of female pride are:—

Pride in (1) wealth, (2) relatives, (3) personal beauty, and (4) Kungva-  
learning. linga

[Substantially the same as Waru.]

Warulinga



## SECTION 7.

## THE FIVE KINDS OF FEMALE IMPROPRIETY.

Mano.

The five kinds of female impropriety are :—

Impropriety with regard to (1) property, (2) dress, (3) food, (4) walking, and (5) behaviour towards men.

A wife who is guilty of these improprieties shall be chastised, but shall not be put away.

Waru.

O great king ! The five kinds of female impropriety are :—

Impropriety with regard to (1) dress, (2) food, (3) property, (4) looking, and (5) behaviour towards men.

Those guilty of such improprieties should be noted.

Manugyà.

A wife shall not be put away merely because she is guilty of the five kinds of impropriety, which are :—

Impropriety with regard to (1) dress, (2) food, (3) behaviour towards men, (4) property, and (5) looking.

A woman is said to be guilty of the first kind of impropriety when, without regard to time or occasion, she inappropriately dons her finery and decks herself out in her gayest apparel as if on festive occasions when she should be in mourning ; or when she pays an exorbitant price for a dress which others cannot hope to purchase, her sole intention being to excel others in appearance, when she herself is not in the best solvent circumstances ; or when she increases her already too extensive wardrobe and puts on many different dresses in the course of a day and night ; or when she conceals her finery from her husband, and dresses in his absence only to excite admiration in others and be praised by them ; or when she dresses so extravagantly as to run into debt or to be obliged to sell her slaves and children ; or when she makes her husband dress less finely than she. Other jurists describe her as follows :—

A woman who dresses inappropriately and not in keeping with the class to which she may belong, there being the following five classes, namely, the ruling class, Brahman class, wealthy class, trading class, and the poor class, and one who always vies with those belonging to classes superior to her own as regards dress. Such conduct is against the moral, social, and civil laws. A woman, who is guilty of such unbecoming conduct, is guilty of impropriety with regard to dress.

A woman is guilty of the second kind of impropriety when she takes her meals before her husband does so, or eats repeatedly without his knowledge ; or when she indulges in rich food, while she makes her husband content himself with poor fare ; or when she does the following, namely :—



(1) Eats irregularly and to excess so as to endanger her health, (2) eats half cooked meat, or (3) eats at improper hours in competition with those who eat in her presence ; or when she eats various kinds of food, each possessing a different taste, a luxury which may be enjoyed only by men ; or when she takes to excess any luxurious food, either publicly or privately, either with or without her husband's knowledge.

Another description of improper conduct is, when meals are spread at different places, that of eating at the various places, never stationary at one place, but now at one and now at another, now standing and now sitting, but always with a sour face.

A woman is guilty of the third kind of impropriety when she puts on a cheerful countenance whenever she beholds men other than her husband ; or when she fondles with the hands of men ; or when she courts the acquaintance of every man she comes across ; or when she commits herself solely to male company ; or when she caresses her grown up son with feelings other than those of maternal affection.

A woman is guilty of the fourth kind of impropriety when she disposes her property imprudently, exhibiting that which ought to be concealed, and concealing that which ought to be exhibited ; or when she squanders away her money merely for the sake of ostentation, making, without her husband's knowledge, large gifts to others with a great show of generosity ; or when, instead of studying compactness and neatness in the arrangement of her property, she endeavours rather to make a public show of them ; or when she is fond of exhibiting and-praising her possessions continually before her neighbours.

A woman is guilty of the fifth kind of impropriety when, from the housedoor or verandah, she, without self-respect, looks to and fro with restless eyes frequently and daily for several days, whether or not she hears male voices ; or when on a journey she cannot control her eyes and head from being directed towards the man whom she happens to see or whose voice she may happen to hear.

A woman is guilty of impropriety with regard to property when she exhibits any property which should not be exhibited, and conceals that which should be exposed ; or when she injures her husband's business by selling, buying, mortgaging or receiving in mortgage any property without his knowledge. Kandaw.

A woman is guilty of impropriety with regard to dress, when she dresses without considering whether it is appropriate to the time and occasion, without her husband's knowledge, and without caring whether or not he can afford to meet her extravagance.

A woman is guilty of impropriety with regard to food when she takes her meals before her husband does so ; or when in joining her



husband at his meals she pretends to finish eating before he has finished, and returns to eat again in his absence; or when she lies in bed late, and after getting up eats the greater portion of any rich food she can find, leaving only a little for her husband.

A woman is guilty of impropriety with regard to looking when, at the sight of a man, she loses her self-composure and looks at him with restless eyes like a crow; or when she makes it a point of watching a man's movements and spying at his nakedness while he is bathing or sleeping.

A woman is guilty of impropriety with regard to behaviour towards men when she treats every man as familiarly as she would her husband; or when she artfully evinces lustful feelings even for her grown-up son.

Tejo. .

The five kinds of female impropriety are :—

Impropriety with regard to (1) property, (2) dress, (3) food, (4) looking, and (5) behaviour towards men.

Vanna-  
dhamma

[Substantially the same as Tejo.]

Râst.

[Substantially the same as Tejo.]

Ditto.

A woman is guilty of impropriety with regard to food when she takes her meals before her husband does so; or when she indulges often in her husband's absence in eating rich food; or when she gets up late in the morning and the first thing she does on getting up is to eat; or when she eats stealthily the greater portion of any food obtained and leaves only a little of it for her husband.

A woman is guilty of impropriety with regard to behaviour towards men when her conduct towards all men she comes across is as free as towards her husband.

A woman is guilty of impropriety with regard to dress if she puts on inappropriate dresses when she attends feasts, or stays at home, or goes on a journey, or attends to her duties as a wife and as a mother.

A woman is guilty of impropriety with regard to property when she gives away, sells, or mortgages it without the knowledge of her husband.

A woman is guilty of impropriety with regard to looking when she looks at a man with eyes as restless as those of a crow; or when she is in the habit of looking at men when they are dressing or undressing, or when they are bathing.

Vinicchaya.

The five kinds of female impropriety are :—

Impropriety with regard to (1) food, (2) behaviour towards men (3) property, (4) looking, and (5) dress.



A woman is guilty of the first kind of impropriety when she has the habit of taking her meals before her husband does so ; or of pretending to have soon satisfied her hunger when jointly partaking of their meals, and returning in his absence to eat again with others ; or of eating frequently and also early in the morning , or of giving little only of anything to eat to her husband while she enjoys the greater portion without his knowledge.

A woman is guilty of the second kind of impropriety when she behaves towards all men as familiarly as she would her husband.

A woman is guilty of the third kind of impropriety when she keeps exposed such property as should be concealed, and conceals that which should be exposed ; or when she steals or conceals her husband's property ; or when she sells, gives away, buys, receives, or borrows property without his knowledge.

A woman is guilty of the fourth kind of impropriety when, at the sight of a man, she looks at him with restless eyes like a crow lowering her head at times and turning it from side to side to get a better view of him ; or when she is in the habit of watching men while they are bathing, dressing, or undressing, or of looking at slovenly or indecently dressed men, or of watching their movements while pretending to be asleep.

A woman is guilty of the fifth kind of impropriety when she dresses herself in fine clothes alike on all occasions as when she is in a wood, or at home, or attending festive gatherings, or on propitious or unpropitious occasions without considering the appropriateness or otherwise of the dress.

[Substantially the same as Vinicchaya.]

Manu-  
vannanā.  
Pākasanī.

The five kinds of female impropriety are the following :—

Impropriety with regard to (1) behaviour towards men, (2) looking, (3) dress, (4) property, and (5) food.

[Substantially the same as Pakāsanī.]

Manu.

The five kinds of female impropriety are :—

Pānanī.

Impropriety with regard to (1) property, (2) ornaments, (3) food, (4) walking and looking, and (5) clothing.

The five kinds of female improprieties are :—

Kungya-  
linga.

Impropriety with regard to (1) dress, (2) food, (3) behaviour towards men, (4) property, and (5) looking.

A woman is guilty of the first kind of impropriety when she dresses without considering the suitability or otherwise of the dress to the time and occasion.



A woman is guilty of the second kind of impropriety when she takes her meals without having first made the religious rice offering, and eats before her husband does so ; or when she declines to eat with him ; or when in joining her husband at his meals she declines to clear the table after he has left it ; or when she secretly stores away rich food and eats it in his absence.

A woman is guilty of the third kind of impropriety when she talks frivolously in her husband's presence ; or when in her husband's absence she holds amorous conversation with the husbands and sons of other women, or when she bathes in the company of men ; or when she speaks to a man while she is bathing.

A woman is guilty of the fourth kind of impropriety when, instead of practising economy or exercising forethought in expending the property acquired by her husband, or of providing for cases of emergency, she spends it extravagantly without her husband's knowledge.

A woman is guilty of the fifth kind of impropriety when she is in the habit of looking at men while they are bathing, sleeping, or insufficiently dressed.

Waru. [Substantially the same as Pakāsañ.]

Dhamma-  
sāra. The five kinds of female impropriety are :—  
Impropriety with regard to (1) food, (2) property, (3) dress, (4) walking, and (5) behaviour towards men.

## SECTION 8.

### THE FORTY KINDS OF FEMALE BLANDISHMENTS.

Rāsi. The forty kinds of blandishments practised by women are :—

(1) Stretching the body and arms, at sight of a man while standing near him, as a sign, whether pre-concerted or not, that he is thought of favourably by her and with a view of engaging his affections, (2) letting something fall as if accidentally, and picking it up in such a manner as to show off her figure to the best advantage, (3) exhibiting studied elegance and gracefulness in dress and movements, (4) pretending to be modest by covering the exposed parts of her body or by leaning against a wall or screen, (5) scratching the nails of her hands and feet one against another, (6) trampling one foot by the other ; (7) writing on the ground ; (8) lifting up another's child or her own, or (9) making others lift him, (10) kissing him or (11) making others kiss him, (12) playing with him, or (13) making others play with him, (14) embracing him, or (15) making others embrace him, (16) eating anything with him, or (17) making him eat something given by her, (18) giving him something such as flowers





fruits, &c., (19) asking from him the return of the thing given, (20) mimicking the child's movements; (21) speaking in praise or in disparagement of a man, (22) letting a man know her wishes in an overt, or (23) in a covert manner by signs such as dancing, singing, playing on musical instruments, weeping, moving about or dressing, (24) laughing boisterously to convey some secret meaning, (25) ogling at a man, (26) shaking the waist, (27) or some concealed part of the body, (28) exposing the thighs as if by accident, (29) pretending to cover them again, (30) exposing the breasts, (31) the armpit, (32) or the navel, (33) winking, (34) raising the eye-brows, (35) biting the lips, (36) protruding the tongue, (37) allowing her dress to slip off partly as if by accident, (38) re-arranging the dress, (39) loosening hair already tied in a knot, and (40) tying loose hair into a knot.

A woman may sometimes practise these blandishments on her paramour alone, but sometimes she does so to attract the attention of any man who may happen to see her.

The forty kinds of blandishments are described in the story of Mahākūṣāla in the eightieth book of Buddhist birth-stories.

Another description of the forty kinds of blandishments practised by women are :—

(1) Deporting herself in a becoming manner while near her husband, and at the same time communicating her wishes to another man by her demeanour, (2) letting fall anything carried on the head and picking it up in such a manner as to show off her figure to the best advantage, (3) exhibiting studied elegance of dress and gracefulness of posture, (4) pretending to be modest by covering the exposed parts of her person or by withdrawing behind screens, walls, &c., (5) playing with the nails of her hands and feet in such a manner as to indicate her amorous feelings, (6) showing the same feelings by placing one foot on the other, (7) writing on the ground, (8) caressing another's child or her own with a show of maternal tenderness, (9) making others caress him in the same way, (10) lifting him up in her hands, (11) making others lift him, (12) playing with him, (13) making him play, (14) kissing him, (15) making him kiss her, (16) pretending to eat in his presence, (17) feeding him, (18) pretending to give something to him, (19) asking from him the return of anything given, (20) mimicking his movements, (21) raising, or (22) lowering her voice when speaking, (23) speaking openly in public, (24) speaking indirectly in private, (25) letting a man know her wishes by signs such as dancing, singing, playing on musical instruments, weeping, moving about, or dressing, (26) laughing boisterously to convey some secret meaning, (27) looking furtively while at the same time pretending not to look, (28) shaking the waist, (29) shaking some concealed part of the body, (30) uncovering



the thighs as if accidentally, (31) pretending to cover them again, (32) exposing the breasts, (33) the arm-pit, (34) or the navel; (35) winking, (36) raising the eye-brows, (37) biting the lips, (38) darting out the tongue, (39) allowing the clothes to partially slip off and then re-arranging them, and (40) loosening the hair tied in a knot and tying it up again.

Such is the description of the forty kinds of female blandishments given in the story of *Sundaraputta theero* in Dhammapada and in that of *Mahākunāla* in the eightieth book of Buddhist birth-stories. All good men should know these forty female blandishments so that they may keep strict control over their wives and female attendants.

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### SECTION 9.

#### MEANING OF *KĀMA* OR SEXUAL INTERCOURSE IN THE LAW OF MARRIAGE AND DIVORCE.

Vannanā. The word *Kāma* is used in the Tripiṭaka to mean the perception by any one of the five senses, but in the Dhammathats it should be taken to signify sexual intercourse alone.

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### SECTION 10.

#### EXPLANATION OF THE WORD *PFĀZA* OR THE OFFERING OF HER PERSON FOR GAIN BY A MARRIED WOMAN.

Mānussika. A married woman shall not prostitute her person. It is not right that she should offer her person to any man other than her husband, nor is it right for the man to take advantage of the offer. Should she be pressed by want, she may sell the property jointly acquired with her husband, such as clothes, cows and buffaloes, but shall not offer her person for gain. Women, before their marriage, are under the protection of their parents, but after marriage they come under the protection of their husbands. Rulers and judges should act according to the rules laid down in the Dhammathats. Those who act as enjoined gain one-sixth of the merits acquired by their subjects and litigants in performing meritorious deeds, and also secure the love of their subjects and litigants. Those who act unjustly through ignorance, anger, avarice, or fear are doomed to suffer in hell or to transmigrate to the animal, *peta* or *asīrakāya* world.

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### SECTION 11. [Omitted.]



## SECTION 12.

### CLASSIFICATION OF MEN AND WOMEN ACCORDING TO SOCIAL RANK.

The term ruling class does not include the king, queen, royal sons Dhamma. and brothers, and the heir-apparent. It includes the following four classes of persons, namely:—

Those who can trace their descent from, or connection with, the family of former monarchs; learned men well versed in historical lore; the king's counsellors; and the generals of his army.

To the official class belong the following:—

Town magistrates, jailors, judges, master of the royal elephants, writers, *thugyis*, land revenue officers, and forest officers.

To the wealthy class belong the following:—

Those on whom are conferred the rank of *thate* by the king, those who are granted the rank of *thagywè*, those who are very wealthy, and those who have acquired wealth by trading in gold, silver, and gems.

O king! The ruling class does not include the king, queen, royal sons and brothers, and the heir-apparent, as they are above all Manugyè. classes of people. It includes the following:—

Those who can trace their descent from, or connection with, the family of former kings; those who are well versed in the history and literature of the country; those who are counsellors of the king; and those generals who are brave and are skilful in military tactics.

To the official class belong all officers lower in rank than those enumerated above, including town magistrates, jailors, judges, the chief of the elephant department, writers, *thugyis*, land revenue officers, forest officers, and others who hold any specified office conferred by the king.

To the wealthy class belong those who have been granted the rank and title of *thate* by the king, those who have been granted the rank and title of *thagywè*, those who are possessed of great wealth, those who have acquired fortune by commerce or agriculture, and those who have amassed great wealth by trading in gold, silver, and precious stones.

The ruling class is again divided into three grades:—*First*, those who are governors of towns or villages, which supply four hundred armed men, and who are entitled to use the highest insignia of office, such as umbrellas, chains (gold or silver) of distinction and nobility, elephants and ponies; *secondly*, those who are enti-



tled to use similar insignia of office as those enumerated above but belonging to the second order; and *thirdly*, those who are entitled to use the third order of insignia of office.

A division into three grades similar to that made in the ruling class is also made in the case of the official class.

The wealthy class is also divided into three grades, namely:—*First*, those who are given the rank of *myosa* and *ywasa*; *secondly*, those who are given the rank and title of *thate* and *thagywè*; and *thirdly*, those who are wealthy but do not hold any title.

Those who possess no property belong to the poor class; but those who, though in indigent circumstances, are yet of the ruling, Brahman, and wealthy classes by birth, belong to the third or lowest grade of the class to which they belong.

The trading and agricultural classes are also divided each into three grades, and the division shall be as the king wills it.

If any person belonging to any of the classes enumerated above is, owing to his uprightness, learning, wisdom and forethought, taken into the confidence of the king and is constantly consulted by him, he shall not be held to be on an equal footing with another holding equal official rank, title, and insignia, but who is not present at the daily and nightly councils of the king. Any one who vies with the king's wise counsellors shall be punished according to the usage and custom of the past and present ages and as practised by monarchs. Usage and custom is divided into *Dhammathat* and *Papathat*, but the former alone shall be followed. So says Rishi Manu.

Manu.

The ruling class includes the king's relatives who are descended from the same great-grandfather as the king; the ministers who are conversant with history; the king's counsellors; and the generals of his army.

To the official class belong the king's right-hand man, the judges, men versed in the Vedas and other learned literature, land revenue officers, village headmen, forest officers, others holding high offices, but on whom no titles have been conferred, and the king's aides-de-camp.

The wealthy class includes the following —

All wealthy men on whom the rank and title of *thate* is conferred; those on whom the rank and title of *thagywè* is conferred; all the principal heirs of *thates*, who rank as *thagywès*; wealthy merchants; and wealthy agriculturists. Those not belonging to any of the classes enumerated above are classed as commoners.

The ruling class is divided into three grades according to the order of official rank, title, and insignia. A division similar to that



among the ruling class is also made among the official class. The wealthy class is also divided into three grades, the *thates* forming one grade, the *thagywès* another, and those of the class other than *thates* and *thagywès* as well as the principal heirs of *thates* forming the third.

The commoners are also divided into three grades.

SECTION 13. [Omitted.]

SECTION 14. [Omitted.]

SECTION 15. [Omitted.]

## CHAPTER V.

### CLASSIFICATION OF WOMEN ACCORDING TO AGE AND RANK; AND THEIR GUARDIANS,

#### SECTION 16.

##### EXPLANATION OF THE WORD *KAÑÑĀ* OR VIRGIN.

In some important works the word *kaññā* or virgin is defined as *Vinicchaya*, one who is possessed of personal beauty and charming manners. According to some other works like the *Byākarana*, &c., a woman may be sixty years of age, but if she has never had any sexual intercourse with a man she is a *kaññā* or virgin. This interpretation of the word is at variance with the above, but it occurs only in secular writings like the *Dhammathats*.

The word *kaññā* is applied to a young virgin who possesses charming manners and personal beauty. Manu-  
vannan

According to some jurists the word *kaññā* is applicable even to a woman who is sixty years of age, provided that she has never had sexual intercourse with a man. Such is the use and application of the term *kaññā* in works like the *Byākarana*. The classification of *kaññā* or virgins into twenty-one kinds in some other works is at variance with the interpretation given here. Ditto.

The word *kaññā* means a girl who is possessed of personal beauty and charming manners. A woman who may be sixty years of age, but who has never had sexual intercourse with a man is also classed as *kaññā* or virgin. Pakāsanī.

The word *kaññā* is applied to a girl of ten years of age, for then is she most endearing to her parents, exciting their interest by her playful ways. Manu.



Pāṇam. A woman may be sixty years of age but she still is a *kaññā* or virgin if she has had no sexual intercourse with a man.

Dhamma-sāra. Although a woman may be past sixty years of age, yet, if she has preserved her virginal chastity, she is still a *kaññā* or virgin. Including a virgin of this class, there are altogether nine classes of virgins.

#### SECTION 17.

#### DIFFERENCE BETWEEN *ITTHI* AND *KUMĀRĪ* OR MARRIED AND UNMARRIED WOMEN.

Rāsi. Women are divided into two classes, namely :—*Itthi* or those who are married, and *kumārī* or those who have never yet married.

#### SECTION 18.

#### THE THREE CLASSES OF VIRGINS DETERMINED ACCORDING TO AGE.

Rāsi. A young girl who is eight years of age is called a *gorī*, because she is still child-like and often moved to crying like a child. A girl ten years old is called a *kaññā*, because at that age she begins to develop her good looks. A girl of twelve years is called a *kumārī*, because at that age she manifests buoyant spirits and lively ways.

Manu. A girl who is eight years of age is known as a *gorī*; when she is ten years old she is called a *kaññā*, and when twelve years of age she is called a *kumārī*.

#### SECTION 19.

#### THE THREE PERIODS IN THE LIFE OF AN INDIVIDUAL.

Rāsi. Up to sixteen years of age a person is said to be in the *bāla* period of his life; from sixteen to seventy in the *taruṇa* period; and after the latter age, he is in the *vuddha* period.

#### SECTION 20.

#### ANOTHER CLASSIFICATION OF THE FOUR KINDS OF VIRGINS DETERMINED ACCORDING TO AGE.

Vinicchaya. A girl who is eight years old is called a *gorī*, when ten years old a *kumārīkā*, and at twelve, a *kaññā*; those above twelve years are termed *mahallikā*.

Manu-vañṇanā. [The same as Vinicchaya].

Pakāsaṇī. [Substantially the same as Vinicchaya.]

Pāṇam. [Substantially the same as Vinicchaya.]



At the age of eight years a girl is called a *gorī*, at ten a *kumārī*, Dhamma-  
at twelve a *kaññā*, and at twenty a *mahallikā*. sâra.

#### SECTION 21.

THE FOUR CLASSES OF VIRGINS DETERMINED ACCORDING  
TO RANK, THE QUESTION OF HAVING GIVEN THEIR CON-  
SENT OR NOT, BEING ALSO CONSIDERED.

Virgins are also divided into four classes as follows :—

Kaingza.

A virgin who consents (to sexual intercourse with a man) ; one  
who does not so consent ; one who is of the same rank (as the man)  
and who is also a consenting party ; and one who is not of the same  
rank (as the man) but who is a consenting party.

Another division of virgins into four classes is made as follows ;—

Dhamma.

A virgin who is of the same rank (as the man with whom sexual  
intercourse is had) but who is not a consenting party ; one who is a  
consenting party (to the intercourse) but who is not of the same  
rank (as the man) ; one who is of the same rank (as the man) and  
who is a consenting party as well ; and one who is neither a con-  
senting party nor of the same rank (as the man).

[Substantially the same as Dhamma.]

Manugyè.

Virgins are also divided into four classes as follows :—

Tejo.

A virgin who consents (to sexual intercourse with a man) ; one  
who does not so consent ; one who is of the same rank (as the man  
with whom intercourse is had) and who is also a consenting party ;  
and one who is neither a consenting party (to the intercourse) nor  
is of the same rank (as the man).

[Substantially the same as Kaingza.]

Vaṇṇa-  
dhamma.  
Manu-  
vaṇṇanā.

[Substantially the same as Kaingza.]

[Substantially the same as Kaingza.]

Manu.

Virgins are also divided into four classes as follows :—

Dhamma-  
sâra.

A virgin who desires (sexual intercourse) ; one who does not de-  
sire (sexual intercourse) ; one who is of the same rank (as the  
man) ; and one who is not of the same rank (as the man).

#### SECTION 22.

ANOTHER DIVISION OF VIRGINS INTO FOUR CLASSES.

Virgins are also divided into the following four classes, namely :—

Dhamma.

Those who have not yet attained maturity ; those who are ad-  
vanced in years ; those who are blind of both eyes ; and those who  
are insane.



Manugyē. In the case of virgins who have been ravished, they are divided into the following four classes, namely :—

Girls who have not yet attained the age of puberty ; those who are blind of both eyes ; those who are insane ; and those who are past their prime of life.

Rājabala. [Substantially the same as Dhamma.]

Manu. Virgins are also divided into the following four classes :—

Those who have not yet attained maturity ; those who are seventy years of age ; those who are blind of both eyes ; and those who are insane.

Ditto. Since it is said that a girl, eight years of age, is known as ■ *kaññā*, and one of ten years as a *kumārī*, there seems to be no necessity for dividing *kaññā* or virgins into four classes ; yet such a division appears to be made in the *Mahāvā Vinaya* and in the *Aggikhandhopama Sutta*. The four classes seem to be the following :—A virgin who has seen her best days ; a wealthy man's virgin daughter who has soft and delicate hands and feet ; one who possesses pleasing manners before men, and one who is called a *kaññā* or virgin.

A virgin who is advanced in years (*vayovuddha kaññā*=an old maid) is one who has reached the age of seventy years. According to some writers a virgin becomes an old maid on her reaching the age of sixty-six years and six months. The limit seems to have been fixed by taking two-thirds of one hundred years, which is believed to be the natural term of life.

#### SECTION 23.

##### THE FIVE CLASSES OF VIRGINS DETERMINED ACCORDING TO RANK.

Waru. Virgins are also divided into five classes according to rank, namely :—

Those of the ruling class ; those of the Brahman class ; those of the trading class ; those of the agricultural class ; and those of the servile class.

#### SECTION 24.

##### THE SIX CLASSES OF VIRGINS DETERMINED ACCORDING TO CHARACTER AND RANK.

Waru. O great king ! There are six classes of virgins determined according to character and social rank ; namely :—

A virgin who consents to sexual intercourse with a man ; one



who does not so consent ; one whose character and social status are lower than those (of the man who has intercourse with her) ; one whose character and social status are higher than those of the man ; one who is on the same level as the man as regards character and social status ; and one who is of the same class (caste) as the man

[Substantially the same as Waru, except that in the sixth Waru-  
division a virgin is of a superior class than the man.] <sup>linga.</sup>

#### SECTION 25.

#### THE SEVEN CLASSES OF VIRGINS DETERMINED ACCORDING TO AGE.

A girl at the age of eight years is known as *gorī*, at that of ten <sup>Cittara</sup> years as *kalyānī*, at twelve as *kumārī*, at thirteen as *thweṣṇ*, at fifteen as *myetmè*, at twenty as *myetwun*, and at thirty years of age as *myaungdu*. A woman may be sixty years old, but if she has not had intercourse with a man, she is still a *kaññā* or virgin.

#### SECTION 26.

#### THE EIGHT CLASSES OF VIRGINS HAVING GUARDIANS.

The following are the eight classes of virgins who have guardians, <sup>Dhamma-</sup>namely :— <sup>sāra.</sup>

A virgin under the guardianship (1) of the mother, (2) of the father, (3) of both parents, (4) of the brother, (5) of the elder and younger sisters, (6) of the other members of the class (caste), (7) of her relatives, and (8) of her own virtues.

#### SECTION 27.

#### ANOTHER DIVISION OF VIRGINS INTO NINE CLASSES ACCORDING TO RANK.

Virgins are divided into nine classes as follows :—

<sup>Vinicchaya.</sup>

Virgins of the ruling class ; those of the Brahman class ; those of the trading class ; those of the agricultural class ; those who are consenting parties (to sexual intercourse with men) ; those who are not consenting parties ; those who are of the same rank (as the men with whom sexual union is had) ; those who are not of the same rank as the men ; and those who are slaves.

The following five classes of virgins, when added to the four <sup>Manu-</sup>classes enumerated in Manuvāṇṇā in section 21, make the total <sup>vaṇṇā.</sup> number of classes into which virgins are divided into nine, namely :—



A virgin who desires (sexual intercourse) ; one who does not desire (sexual intercourse) ; one who is of the same rank (as the man) ; one who is not of the same rank (as the man) ; and one who is ■ slave.

According to other jurists, the following four should be added to those enumerated above to make up the nine classes, namely :—

A virgin of the ruling class ; one of the Brahman class ; one of the trading class ; and one of the agricultural class.

#### SECTION 28.

##### THE TWELVE CLASSES OF WOMEN HAVING GUARDIANS.

Pyu. The twelve classes of women who have guardians are the following —

Those who are under the guardianship of (1) the mother, (2) the mother's elder sister, (3) the mother's younger sister, (4) the father's sister, (5) the elder sister, (6) the younger sister, (7) the father, (8) the father's elder brother (9) the father's younger brother, (10) the mother's brother, (11) the elder brother, and (12) the younger brother.

Sōnda. [The same as Pyu.]

#### SECTION 29.

##### THE TWENTY-ONE CLASSES OF WOMEN.

Mānussika. The twenty-one classes of women with whom there shall be no illicit intercourse are the following .—

(1) Those who are past their prime of life, (2) those who are ill, (3) those who are pregnant, (4) those who have been on a journey with heavy loads on their heads, (5) those who are under the protection of the mother, (6) the father, (7) the grandfather, (8) the grandmother, (9) the elder sister, (10) the younger sister, (11) the elder brother, (12) the younger brother, (13) the father's elder brother, (14) the mother's elder sister, (15) the father's younger brother, (16) the mother's younger sister, (17) the mother's brother, and (18) the father's sister ; (19) those who are blind of both eyes, (20) those who are insane, and (21) those who are well conducted and virtuous. Rishi Manu says that any one who has illicit intercourse with any one of those enumerated above shall be punished according to his rank.

Ditto. Another classification :—Women under the protection of (1) the mother, (2) the mother's elder sister, (3) the mother's younger



sister, (4) the elder sister, (5) the younger sister, (6) the father, (7) the father's elder brother, (8) the father's younger brother, (9) the elder brother, (10) the younger brother, (11) the husband, (12) the grandfather, (13) the grandmother, and (14) the other members of the same class (caste); (15) those who are advanced in years, (16) those who are suffering from some disease, (17) those who are *enciente*, (18) those just returned from a journey carrying heavy burdens, (19) those who are insane, (20) blind of both eyes, and (21) are serving as security for a loan of money.

Any one who has sexual intercourse with any of those enumerated above without the consent of the woman shall be punished.

The following are the twenty-one classes of women with whom Pyu. illicit intercourse without the consent of the woman is punishable, the nature and extent of the penalty depending upon the circumstances of the case and the relative positions of the parties. They are :—

Women who are under the protection of (1) the mother, (2) the mother's elder sister, (3) the mother's younger sister, (4) the father's sister, (5) the elder sister, (6) the younger sister, (7) the father, (8) the father's elder brother, (9) the father's younger brother, (10) the mother's brother, (11) the elder brother, and (12) the younger brother; (13) those who are advanced in years, (14) who are ill, (15) who are not yet pubescent, (16) who are pregnant, and (17) who have just returned from a tedious journey with heavy burdens; (18) those who are under the guardianship of the grandfather, and (19) of the other members of the same class (caste); (20) those who are insane, and (21) those who are serving as security for money advanced.

[Substantially the same as Pyu except that for women Vannanā. who are under the guardianship of the other members of the same class (caste), those who are under the guardianship of the grandmother are substituted]

[Substantially the same as Pyu except that for women Manu-vannanā. who are protected by the grandfather and by the other members of their caste, the following two classes are given instead, namely :—those who are protected by the grandmother and those who are protected by their relatives.]

[The same as Pyu.]

Sōnda.

[Substantially the same as Manuvannanā.]

Kyetyo.



## SECTION 30.

## THE TWENTY-TWO CLASSES OF WOMEN : ANOTHER CLASSIFICATION.

Cittara. The twenty-two classes of women with whom there should be no clandestine sexual intercourse are :—

[The list which follows is the same as that in the first extract from Mānussika, in section 29, except that for (13), women who are under the protection of the great-grandfather are substituted, and women who are protected by their relatives are mentioned as an additional class.]

## SECTION 31.

EXPLANATION OF THE TERMS *THAMILALIN* AND *THALALIN*.

Manugyè. O king ! A woman who has once married, and has borne a child, and a man who has once married are respectively known as *thamilalin* and *thalalin*.

## SECTION 32. [Omitted.]

## CHAPTER VI.

## DIFFERENT KINDS OF MARRIAGE.

## SECTION 33.

## DUTY OF PARENTS OR MASTERS TO GIVE THEIR CHILDREN OR SLAVES IN MARRIAGE ON THEIR ATTAINING THE AGE OF FIFTEEN OR SIXTEEN YEARS.

Mano. It is the duty of a man to give his children, grandchildren or slaves in marriage on their attaining the age of fifteen or sixteen years. Otherwise, if they fall into sin, he shall not take offence.

Kaingza. Slaves shall be given in marriage when they are fifteen or sixteen years old. Otherwise, if they fall into sin, no offence shall be taken. The same rule holds good in the case of children.

Kandaw. Children or slaves should be given in marriage before they attain the age of sixteen years. Else, if they subsequently fall into sin, no offence should be taken.

Vanna-dhamma. [Substantially the same as Kandaw.]

Rāsi. If a person fails to give his children and slaves in marriage on their attaining the age of fifteen years, he shall not take offence if they are led into sin. So it is said in the Dhammathats.



In the Temi Jātaka, it is said that there is no one who, on attaining the age of puberty, has not experienced the desire to love and be loved, or to possess that which is naturally desirable. Just as the flowers bloom in their due season, so is it natural for sentient beings to manifest their desires at the age of puberty.

Therefore, the rule laid down in the Dhammathats attaching the blame to parents and masters for the frailty of their children, grandchildren or slaves, who have attained the age of fifteen or sixteen years, is most appropriate; because, it is the parents and masters who are in fault when they fail to make suitable matrimonial alliances for them.

If children, grandchildren or slaves are not given in marriage before they attain the age of sixteen years, no reproach shall be made against them for any sexual offence they may be guilty of. Manu-  
vaṇṇanā.

After her attaining the age of twenty years a woman may marry a man of her choice although her guardians may not approve of the marriage. The reason is that her guardians did not give her in marriage when she arrived at a marriageable age. Rājabala.

#### SECTION 34.

##### THE TWO KINDS OF MARRIAGE KNOWN AS ĀVĀHA AND VIVĀHA.

There are two kinds of marriage, namely, one known as *āvāha*, in which the bride is brought to the bridegroom, and the other as *vivāha*, in which the bridegroom is brought to the bride. Mānussika.

When a young man and a young woman are permitted by their parents to cohabit, the former are said in the Dhammathats to be given in marriage by the latter. According to the sacred writings, however, there are two forms of marriage, namely, *āvāha* and *vivāha*. According to the former the bride is brought to the bridegroom's house at an auspicious moment and the marriage is solemnized there; and according to the latter, the bridegroom goes to the bride's house and marries her there. Rāsi.

#### SECTION 35.

##### MARRIAGE OF FREE-BORN PERSONS AND OF SLAVES.

Marriage is divided into two kinds, namely, marriage of free-born persons, and marriage of slaves. In the case of the former the marriage is valid when both the contracting parties as well as their parents agree to the union, and it is invalid when one of the contracting parties does not, or both do not, desire the union, although Mānussika.



their parents may agree to it ; or when the contracting parties desire the union but their parents do not approve of it.

In the marriage of slaves, it is valid when the slave woman offers her person for gain of her own choice, or when the master offers her person for gain, or when neither offers her person for gain but she lives with a man through mutual love and consummates the union, no objection being made by persons who have control over her.

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### SECTION 36.

#### THE THREE KINDS OF MARRIAGE.

Manugyè. The three kinds of marriage are :—

(1) Marriage effected by the parents of both parties, (2) marriage contracted through a go-between, and (3) marriage by mutual consent.

Manu. [Substantially the same as Manugyè.]

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### SECTION 37.

#### THE THREE KINDS OF ENGAGEMENT.

Manu-  
vāṇanā. A man is liable to be criminally punished if he attempts to be familiar with, or makes amorous speeches to, or seduces any of the following women :—

(1) A woman who is under the protection of a suitor ; (2) one who is under the protection of a man who has given her bridal presents ; and (3) one who is under the protection of a man to whom she is openly betrothed.

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### SECTION 38.

#### THE SIX KINDS OF MARRIAGE.

Kyetyo. There are six kinds of giving of a daughter in marriage, namely :—

(1) The giving of a daughter in marriage to a man because her parents and grandparents are well looked after and maintained in comfort by him ; (2) the giving of a daughter in marriage to a man because the parents and relatives of both approve of the marriage ; (3) the giving of a daughter in marriage to a man who is a relative of her family ; (4) the giving of a daughter in marriage to a man after receiving many bridal presents from him ; (5) the giving of a daughter in marriage to a man against her wish, or when it is manifest that the bridegroom does not like her ; and (6) the giving of



a daughter in marriage to a man because of her undue intimacy with him when in a state of intoxication.

### SECTION 39.

#### THE SEVEN KINDS OF MARRIAGE.

The seven kinds of marriage are as follows :—

Kyetyo.

(1) The marriage of a young man and woman whose parents had arranged the union while they were still in their mothers' wombs, or while they were still in their infancy ; (2) the marriage of a young man and woman when they themselves and their parents desire the union ; (3) the marriage of a young man and woman when the parents of both and the young man desire the union, but the young woman elopes with a man of her choice just before the consummation of the marriage ; (4) the marriage of a young man and woman when the young man gives bridal presents as well as helps his prospective parents-in-law in business ; (5) the marriage of a Brahman with the daughter of a wealthy man or of a commoner ; (6) the marriage of a young woman with a young man of good birth and exalted position, her parents not accepting any presents because they esteem him ; (7) the marriage of a young woman with a man other than the suitor who has been helping her parents with the intention of claiming her hand in marriage because her parents think that no good would accrue from a marriage with him.

The contracting parties according to the second kind of marriage acquire, after the consummation of the marriage, the full status of husband and wife.

### SECTION 40.

#### THE EIGHT KINDS OF MARRIAGE.

There are eight kinds of giving of a daughter in marriage, Mano, namely :—

(1) The giving of a daughter in marriage to a man because of his good family connections ; (2) the giving of a daughter in marriage to a man because he has given many presents ; (3) the giving of a daughter in marriage to a man because he has managed her parents' business ; (4) the giving of a daughter in marriage to a man because he has performed some difficult work for her family ; (5) the giving of a daughter in marriage to a man through fear of him ; (6) the giving of a daughter in marriage to a man because he has been serving in her parents' house ; (7) the giving of a daughter in marriage to a man because he undertakes to protect her from



illness; and (8) the giving of a daughter in marriage to a man because she reciprocates his love.

Mānussika. There are eight kinds of giving of a daughter in marriage, namely :—

(1) The giving of a daughter in marriage to a man who is replete with virtue and whom her parents highly esteem, (2) the giving of a daughter in marriage to a man who has given many presents, such as cows and buffaloes; (3) the giving of a daughter in marriage to a man who is a good business-man with a view to his managing her parents' business; (4) the giving of a daughter in marriage to a man with the object of having her educated by him; (5) the giving of a daughter, without the knowledge of the relatives, to a man from whom her parents have received bridal presents; (6) the giving of a daughter in marriage to a man whose love she reciprocates; (7) the giving of a daughter in marriage against her will; and (8) the giving of a daughter in marriage to a man with whom she has been detected by her parents of having had undue intimacy.

Kaingza. [The same as Mano.]

Kandaw. [Substantially the same as Mano except that for (3) the following, namely, "the giving of a daughter in marriage to a man because he has saved her and her parents from some danger" is substituted.]

Tejo. [The same as Mano.]

Vanna-dhamma. [Substantially the same as Mano.]

Rāsi. There are, according to the Manuyin and Manusāra Dhammathats, eight kinds of giving of a daughter in marriage, namely :—

(1) The giving of a daughter in marriage to a man because he represents that he is of a good family; (2) the giving of a daughter in marriage to a man because he gives bridal presents; (3) the giving of a daughter in marriage to a man because he conducts her parents' business; (4) the giving of a daughter in marriage to a man because he performs some difficult task for her parents; (5) the giving of a daughter in marriage to a man because her parents are in fear of him; (6) the giving of a daughter in marriage to a man because he is dependent on her family; (7) the giving of a daughter in marriage to a man because he saves her life by curing her of some illness; and (8) the giving of a daughter in marriage to a man because she is resolved on marrying him despite her parents' wishes.

Vinicchaya. There are eight kinds of giving of a daughter in marriage, namely :—



(1) The giving of a daughter in marriage to a man because he represents that he belongs to a good family; (2) the giving of a daughter in marriage to a man because he promises to give bridal presents; (3) the giving of a daughter in marriage to a man because he promises to transact certain business for her parents; (4) the giving of a daughter in marriage to a man because he promises to relieve her and her family from poverty; (5) the giving of a daughter in marriage to a man because he has made her parents fear him; (6) the giving of a daughter in marriage to a man because he is dependent on her family; (7) the giving of a daughter in marriage to a man because he undertakes to cure the disease from which she is suffering; and (8) the giving of a daughter in marriage to a man because she reciprocates his love.

There are eight kinds of giving of a daughter in marriage to a Manu-vannanâ, namely.—

(1) Because he represents that he is of a good family; (2) because he promises to give bridal presents; (3) because he promises to transact certain business for her parents; (4) because he undertakes to perform some difficult task; (5) because her parents have been intimidated by him; (6) because he undertakes to render service in the house of her parents; (7) because he undertakes to cure her of some illness from which she is suffering; and (8) because she reciprocates his love.

#### SECTION 41.

#### WHETHER BRIDAL PRESENTS SHOULD BE TAKEN INTO THE PREMISES OF STRANGERS.

During a marriage ceremony the bridal presents, such as swords, Manugyè cups, broad hats, bed-sheets and pillows, shall not be taken under the eaves of the house of a stranger; he shall be compensated if they are so taken without his permission, at the rate of three ticals of silver for every person carrying a bridal present or bridal presents. Not only persons carrying bridal presents who so transgressed shall be liable to pay the compensation, but every person who took part in the marriage procession shall be liable to pay the same amount of compensation. Persons who are free-born but who have been bought or have become slaves as security for a loan or debt of money shall not, because of their servile position, be obliged to carry bridal presents. Should they without bidding undertake the duty and unconsciously take the bridal presents under the eaves of a stranger's house, the master cannot plead that they were not authorized to carry the presents. He shall be liable to pay thirty ticals of silver for every transgressing male slave and twenty-five



ticals for every transgressing female slave. Slaves who are not under any pecuniary obligation to the master, and those who are descended from the same great-grandfather as the master, may be asked, without offence, to carry bridal presents; because, children born of such slaves do not become slaves, but are emancipated. With the exception of the presents enumerated below, bridal presents, such as wearing apparel and victuals, may be taken under the eaves of a stranger's house without offence, by any one. If ponies, swords, broad hats, ceremonial cups, bedding, looking-glass, trays, spoons, and ceremonial dresses are taken under the eaves of a stranger's house without his permission, by one who is not a relative (of the bridegroom), the owner of the house shall be compensated whether the carrier has been asked to carry them or not.

As regards a notable tree, the bridal party shall not halt under it without the owner's permission; should they do so, they shall not be liable to pay compensation, but they shall be liable to replace it, should the tree die as a consequence of their halting. However this prohibition about the tree applies only when the tree is near a village.

The bridal party is at liberty to rest in the house of either of the parents of the young couple; because, the guardian *nats* of the door, stair-case, and rooms have been propitiated in both houses, and the parents of both have given their consent to the party resting in the house.

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#### SECTION 42.

#### GIVING CHILDREN AND OTHERS IN MARRIAGE PERMISSIBLE AT THE TIME OF PARTITION OF INHERITANCE.

Manu. Manu, the Rishi, says that there shall be no offence if any of the co-heirs marry at the time of partition of inheritance. The fact that the inheritance is not yet divided shall not be a bar to the marriage.

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### CHAPTER VII.

#### MATTERS RELATING TO MARRIAGE.

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#### SECTION 43.

#### GIVING OF A DAUGHTER IN MARRIAGE ON THE SUITOR REPRESENTING THAT HE IS OF NOBLE BIRTH.

Manu. If a daughter is given in marriage to a suitor on his representing publicly that he is of noble birth, her parents can repudiate him if his representation proves false.



[The same as Mano.]	Kaingza.
[Substantially the same as Mano.]	Kandaw.
[The same as Mano.]	Tejo.
[The same as Mano.]	Vanna- dhamma.
[Substantially the same as Mano.]	Râst.

If a daughter is given in marriage to a suitor on his representing Vinicchaya, that he is of noble birth, her parents can take her back if the representation proves false.

If a daughter is given in marriage to a suitor on his representing publicly that he is of noble birth, her parents are at liberty to take her back if the representation proves false. Manu-  
vananna.

[Substantially the same as Mano.]	Pânam.
[Substantially the same as Mano.]	Kungya- linga.

#### SECTION 44.

#### GIVING OF A DAUGHTER IN MARRIAGE ON THE SUITOR PROMISING TO GIVE BRIDAL PRESENTS.

If a daughter is given in marriage to a suitor on his promising to give bridal presents, he shall obtain her only on his making good his promise. He cannot claim conjugal rights if he fails to keep his promise. Mano.

Manu, the Rishi, says that the parents are at liberty to withhold Waru, their daughter from the suitor to whom they have agreed to give their daughter in marriage, if he fails to give the bridal present or presents which he has promised to give.

[The same as Mano.]	Kaingza.
[Substantially the same as Mano.]	Kandaw.
[The same as Mano.]	Tejo.
[The same as Mano.]	Vanna- dhamma.
[Substantially the same as Mano.]	Râst.

If a daughter is given in marriage to a suitor on his promising to give bridal presents, he shall obtain her only on the fulfilment of his promise. Vinicchaya.

[Substantially the same as Mano]	Manu- vananna.
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Pāṇam. If a daughter is given in marriage to a suitor on his promising to give bridal presents, her parents can take her back if he fails to keep his promise.

Kungya-linga. [Substantially the same as Pāṇam.]

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#### SECTION 45.

#### GIVING OF A DAUGHTER IN MARRIAGE AS A REWARD FOR DOMESTIC SERVICE.

Mano. If a daughter is given in marriage to a man on his publicly promising to serve in the house of her parents, he shall not leave the house until he shall have served three years.

Kaṅgza. [The same as Mano.]

Kandaw. [Substantially the same as Mano.]

Tejo. [The same as Mano.]

Vanna-dhamma. [The same as Mano.]

Rāsi. [Substantially the same as Mano.]

Vinicchaya. If a daughter is given in marriage to a suitor on his promising to serve in her parents' house, he may leave the house only after serving three years.

Manu-vannanā. [Substantially the same as Mano.]

Pāṇam. [Substantially the same as Vinicchaya.]

Kungya-linga. If a daughter is given in marriage to a man on his promising to render some service, he shall obtain her only on the fulfilment of his promise.

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#### SECTION 46.

#### GIVING OF A DAUGHTER IN MARRIAGE ON THE SUITOR UNDERTAKING TO ACCOMPLISH A DIFFICULT TASK.

Mano. The giving of a daughter in public to a man who has performed some difficult task for her parents, is a noble act. If there is any objection to the giving of the daughter on account of inequality of class or of the daughter's dislike for the man, her *kobo* or money value, shall be given to him.



If a daughter is given in marriage to a suitor on his undertaking Kaingza. to successfully transact certain business, she may repudiate the man if he fails to accomplish that which he has undertaken to do, and marry another man who brings the business to a successful ending. As the former husband has practised deception, he shall not claim her as his wife.

[The same as Mano.]

Ditto.

[Substantially the same as the first extract from Kaingza.] Kandaw.

[Substantially the same as Mano.]

Ditto.

[The same as Mano.]

Tejo.

Whenever one gets involved in a law suit it always entails un- Ditto. easiness of mind. If the parents of a girl promise to give her in marriage to a man who may successfully contest a law suit which weighs down their mind, the man who brings the law suit to a satisfactory ending shall obtain her, if she consents to the union and if her parents approve of it. If there is any objection to the man, her *kobo* shall be given to him instead. Because, the law suit which the man has successfully contested was a source of anxiety to her parents.

[The same as Mano.]

Vanna-  
dhamma.  
Ditto.

If a daughter is given to a man on his undertaking to successfully transact certain business, her parents may take her back on his failure to perform that which he has undertaken to do, and give her to another man who brings the business to a satisfactory ending. The first husband shall not claim her as his wife.

[Substantially the same as Mano.]

Râsi.

[Substantially the same as the second extract from Tejo.] Ditto

[Substantially the same as the first extract from Kaingza.] Ditto.

If a daughter is promised to be given in marriage on the suitor Vinicchaya. undertaking to perform some difficult task, she shall be given to him on his accomplishing it.

[Substantially the same as Mano.]

Manu-  
vaṇṇanā.  
Ditto.

[Substantially the same as the second extract from Tejo.]

[Substantially the same as the first extract from Kaingza.]

Ditto.

[Substantially the same as Mano.]

Pāṇam.

[Substantially the same as the first extract from Kaingza.]

Ditto



Pāṇāṃ.	[Substantially the same as the second extract from Tejo.]
Kungya- linga.	[Substantially the same as Mano.]
Warulinga.	[Substantially the same as the first extract from Kaingza.]

## SECTION 47.

## GIVING OF A DAUGHTER IN MARRIAGE THROUGH FEAR.

Mano.	If the parents give their daughter in marriage to a man through fear, they may take her back when they are freed from such fear.
Kaingza.	[The same as Mano.]
Kandaw.	[Substantially the same as Mano.]
Tejo.	[The same as Mano.]
Vappa- dhamma.	[The same as Mano.]
Rāsi.	When the parents give their daughter in marriage to a man through fear, or unwillingly give her to a man to whom they are greatly obliged, they may take her back when the fear or the obligation is removed.
Vinicchaya.	[Substantially the same as Mano.]
Manu- vaṇṇanā.	[Substantially the same as Mano.]
Pāṇāṃ.	[Substantially the same as Mano.]
Kungya- linga.	[Substantially the same as Mano.]

## SECTION 48.

GIVING OF A DAUGHTER IN MARRIAGE TO A DEPENDENT ON  
THE FAMILY.

Mano.	If a daughter is given in marriage to a man who is dependent on her family, she becomes his wife, provided that the marriage has been consummated.
Kaingza.	[The same as Mano.]
Kandaw.	[Substantially the same as Mano.]
Tejo.	[Substantially the same as Mano.]
Vappa- dhamma.	[Substantially the same as Mano.]
Vinicchaya.	[Substantially the same as Mano.]



[Substantially the same as Mano.]

Manu-  
vannanā.  
Pāṇam.

[Substantially the same as Mano.]

If a daughter is given in marriage to a man who is dependent on her parents, he shall obtain her as his wife, provided that the marriage has been consummated. If she refuses to cohabit with him her *kobo* shall be given to him. Kungya-  
linga.

#### SECTION 49.

##### GIVING OF A DAUGHTER IN MARRIAGE ON THE SUITOR UNDERTAKING TO CURE A DISEASE FROM WHICH SHE IS SUFFERING.

If a daughter is given to a man who cures her of a disease from which she is suffering, he shall obtain her to wife if he has consummated the marriage. But if the parents are unwilling to give her, and if the marriage has not yet been consummated, her *kobo* shall be given to him instead.

[Substantially the same as Mano.]

Kaingza.

[Substantially the same as Mano.]

Kandaw.

[Substantially the same as Mano.]

Tejo.

[Substantially the same as Mano.]

Vanna-  
dhamma.

[Substantially the same as Mano.]

Rāst.

If a daughter is given to a man on his undertaking to cure her of a disease from which she is suffering, he shall obtain her to wife if he succeeds in curing her of the disease. Vinicchaya.

[Substantially the same as Mano.]

Manu-  
vannanā.

[Substantially the same as Mano.]

Pāṇam.

[Substantially the same as Mano.]

Kungya-  
linga.

#### SECTION 50.

##### GIVING OF A DAUGHTER IN MARRIAGE TO A SUITOR WHOSE LOVE IS RECIPROCATED BY HER.

If a daughter reciprocates a man's love and desires to marry him, her parents should give her in marriage to him if they wish to escape scandal. Mano.

[Substantially the same as Mano.]

Kaingza.

[Substantially the same as Mano.]

Kandaw.



Tejo. [Substantially the same as Mano.]

Vanna  
dhamma  
Râsi. [Substantially the same as Mano.]

If a daughter desires to marry a man, her parents should permit her to do so in order to prevent disgrace. If a young woman, without any sense of propriety visits her lover's house, her parents are scandalised thereby. Similarly, if a married daughter who lives in her husband's house is guilty of impropriety in conduct, she brings disgrace on her parents.

In view of this, when *Visākha* was married to *Puñṇavaḍḍhana*, son of *Migdra* of *Sāvattṭhi*, and she left the parental roof to accompany her husband, she was given by her father *Dhanañcaya* ten words of admonition on the propriety or otherwise of one's conduct.

Vinicchaya. The giving of a daughter in marriage to a man whose love she reciprocates, is one of the (eight) ways of giving away a daughter in marriage.

Manu-  
vannanā. When a daughter is given in marriage to a man because she reciprocates his love, he shall obtain her to wife provided that the marriage is consummated. But if the consummation is refused, half her *kōḍi* shall be given to the man.

If a daughter has had undue intimacy with a man whom she desires to marry, her parents should give her in marriage to him if they wish to avoid disgrace.

Pāṇam. If a young couple love each other, the girl's parents shall not interfere; let them live together.

Kungya-  
linga. If the parents connive at the intimacy between their daughter and her lover, the connivance amounts to giving of the daughter in marriage, and they shall not subsequently refuse to recognize the union.

#### SECTION 51.

AFTER THE PARENTS OF BOTH PARTIES HAVE PROMISED TO GIVE THEIR SON AND DAUGHTER IN MARRIAGE, THE SON WHO WAS BETROTHED, DIES; ANOTHER SON SHOULD BE SUBSTITUTED

Mānussika. After the parents of both parties have agreed to give their son and daughter in marriage, if either of the betrothed dies, his younger brother or her younger sister, as the case may be, shall be given in marriage instead.



If a man dies after giving bridal presents to a young woman, his Mānussika younger brother may, if he wishes, obtain her in marriage.

The father promises to give his daughter in marriage to a man, Pyu, but he dies before the appointed day. The deceased's younger brother, if there is one, shall be given the preference in the subsequent choice of a husband for her.

If a son who is betrothed dies, another son shall be substituted. Waru

If after the parents have agreed to give their son and daughter Myingun in marriage the son (who is betrothed) dies, the daughter shall be given in marriage to the deceased's younger brother, if he is desirous of the union ; so says Rishi Manu.

If a man, to whom the parents have agreed to give their daughter in marriage dies, she shall be given to a younger brother of the deceased, if he has one. Dhamma-  
thatkyaw

If, after the parents have agreed to give their son and daughter Manugyè in marriage, the daughter dies, let another daughter be given , if the son dies, let his younger brother take his place. If the deceased's sisters have betrothed lovers, the substitution should not be urged. Likewise, if the deceased's younger brother is already engaged, he shall not be compelled to take his brother's place. Even in the case of the deceased young man or young woman, though they were already betrothed, if they were unwilling, they were not obliged to fulfil their engagement.

The above rule has reference merely to such parents as are related to, or are intimately acquainted with, one another. If their respective children are, however, unwilling, let it not be enforced.

The parents of a young man and a young woman agree to form Tejo. an alliance by publicly avowing that they will give their son and daughter in marriage. They shall then give effect to their agreement. If the daughter dies before the marriage, her parents shall substitute another daughter. Should they refuse to do so and give the second daughter to another man, they shall return half the presents received.

When a contract is once made, it is but right that the conditions shall be adhered to. There is never an instance where a contract having once been made is not acted upon.

[Substantially the same as Tejo, but the following note is Vanna-  
added.] dhamma.

If a person says to another, "Conduct this case for me and I shall pay you fifty ticals of silver," or, "Do this piece of work for me and I shall give you a viss of silver," and, if the man thus com-



missioned conducts the case or executes the work satisfactorily, the promise shall be binding and he shall be given the amount promised.

Judges like *Calāka* follow the rule strictly, while others take into consideration the circumstances of the case in enforcing the conditions of a contract. In the opinion of the present compiler, strict adherence to the rule appears to be the sounder principle, in view of the decision given in the case of a drowning man and his rescuer. The circumstances of the case are narrated in the *Mahosadha jātaka*.

Manuyin. If a man who is betrothed to a woman dies, his younger brother may marry the woman.

Rāsi The parents make an agreement in the presence of strangers to contract a marriage between their son and daughter. Should either of the betrothed die, another son or another daughter, as the case may be, shall be substituted, failing which half the bridal presents shall be returned. The original agreement should, as far as possible, be adhered to.

Manu-  
vannanā. [The same as Tejo.]

Vicchedant. If a young man (who is betrothed) dies, the young woman to whom the deceased was betrothed shall be given in marriage to his younger brother.

Sānda [The same as Pyu.]

Pāpaṃ. The same rule which is applicable in the case of the death of a betrothed girl shall, *mutatis mutandis*, apply in the case of the death of a betrothed young man.

Warulinga. If a son who is betrothed dies, another son shall be substituted. Should the parents of the deceased refuse to do so, they shall forfeit the bridal presents.

Kyetyo. A daughter is betrothed to a man, but he dies before the marriage. She shall be given in marriage to the deceased's younger brother in preference to any other man.

#### SECTION 52.

AFTER THE PARENTS OF BOTH PARTIES HAVE PROMISED TO GIVE THEIR SON AND DAUGHTER IN MARRIAGE, THE DAUGHTER, WHO WAS BETROTHED, DIES; ANOTHER DAUGHTER SHOULD BE SUBSTITUTED.

Mano. [Substantially the same as Tejo in section 51.]

Mānussika. [The same as in section 51.]



A daughter is promised to be given in marriage to a man, but she dies before the marriage. If the man wishes to marry her younger sister, she shall be given to him in preference to any other man. Mānussika.

Even if the younger sister is already betrothed to another, she shall be given to him unless it is an actionable wrong.

A daughter is betrothed to a man, but she dies before marriage; Pyu. her younger sister shall be given in marriage to the man.

O king! The parents of a girl betrothed her to a man after receiving bridal presents from him. If she dies before marriage, another daughter shall be substituted, failing which, the bridal presents shall be returned. Waru.

[Substantially the same as Tejo in section 51.]

Kaingza.

On the death of the elder sister who was betrothed to a man, her younger sister shall be given in marriage to him. Myingun.

One of two sisters is betrothed to a man from whom bridal presents have been received. On the death of the sister who was betrothed, the surviving sister shall be given in marriage to the man. If the surviving sister is married to another man half the bridal presents given by the former shall be returned. Dhamma-  
thatkyaw.

[The same as in section 51.]

Manugya.

A daughter is publicly betrothed to a man, but she dies before marriage. Her parents cannot disclaim all liability by her death, but shall give their younger daughter in marriage to the man. If they refuse to do so, half the bridal presents given by him shall be restored. Kandaw.

[The same as in section 51].

Tejo.

[The same as in section 51.]

Vanna-  
dhamma.

If a girl who was betrothed to a man dies, her younger sister shall be given in marriage to the man. Manuyin.

[The same as in section 51.]

Rasi.

[The same as in section 51.]

Manu-

[Substantially the same as Manuyin.]

vannanā.  
Vicchedanā.

[The same as Pyu.]

Sōnda.

[Substantially the same as Kandaw.]

Pāpañ.

[Substantially the same as Kandaw.]

Kungya-  
linga.



Kungya-  
linga.

If no bridal presents are given by the man at the time of betrothal, the parents are under no obligation to substitute their second daughter in case the first who is betrothed to the man dies. They may give their second daughter in marriage to the man if they wish it.

Warulinga.

[Substantially the same as Waru.]

Kyetyo.

[Substantially the same as Manuyin.]

Kyannet.

[Substantially the same as Manuyin.]

## SECTION 53.

AFTER THE PARENTS OF BOTH PARTIES HAVE APPOINTED A DAY FOR THE MARRIAGE OF THEIR SON AND DAUGHTER, THE SON'S PARENTS FAIL TO KEEP THE APPOINTMENT; THE PARENTS OF THE GIRL MAY GIVE HER IN MARRIAGE TO ANOTHER MAN.

Waru.

The parents of both parties appoint a day to give their son and daughter in marriage, but the son's parents fail to keep the appointment. The parents of the girl are at liberty to give her in marriage to another man, because the other party failed to keep the engagement.

Kaṇḍaw.

[Substantially the same as Waru except that the following story is added.]

Two wealthy families, one living in the town of Benares and the other on the outskirts of it, agreed to give their son and daughter in marriage. But because the son's parents went to ask for the girl on a day other than the one appointed, marriage was refused and they had to return without the bride.

Pānaṃ.

If the son's parents fail to keep the appointment, the parents of the daughter are at liberty to give her in marriage to another man.

Rescript.

Once upon a time, the parents of a young man living in Benares, and the parents of a girl living in the suburbs, agreed to give their son and daughter in marriage, and appointed a day for the ceremony. The son's parents did not go on the day appointed, thinking that the day was unpropitious, but went the next morning. As they did not come on the day appointed the girl's parents gave her in marriage to another man. A dispute arose as to who should get her. It was decided by the embryo Buddha that choosing a day by observing astrological signs was of no moment, but that the obtaining the hand of a girl in marriage should be considered a propitious



event in itself. The man to whom the daughter was given in marriage by the parents was permitted to retain her.

In disputes of a like nature the decision given in the story must be followed.

[Substantially the same as Waru.]

Warulinga.

SECTION 54.

AFTER THE PARENTS OF BOTH PARTIES HAVE APPOINTED A DAY FOR THE MARRIAGE OF THEIR SON AND DAUGHTER, THE GIRL'S PARENTS REFUSE TO GIVE HER IN MARRIAGE ON THAT DAY.

The parents of both parties agree to give their son and daughter *Manu* in marriage and appoint a day for the ceremony. If the girl's parents refuse to give her in marriage on the day appointed, let them give her *kobo* to the young man.

SECTION 55.

A MARRIAGE CANNOT BE CONSUMMATED IF THE BRIDEGROOM FAILS TO GIVE BRIDAL PRESENTS AS PROMISED.

If a man promises to give bridal presents on the day of wedding, *Warulinga*, he shall not obtain the bride if he fails to bring them as promised.

SECTION 56.

REFUSAL OF THE PARENTS TO GIVE THEIR DAUGHTER IN MARRIAGE TO A MAN AFTER THEY HAVE ACCEPTED BRIDAL PRESENTS FROM HIM.

Listen O king! If the parents of a girl accept bridal presents *Waru* from a man and promise to give her in marriage to him, they shall restore the presents if they subsequently refuse to abide by their promise. If the man has already had sexual intercourse with her, double the presents shall be restored.

If the parents of a girl refuse to give her in marriage to a man *Dhammathatkyaw* from whom they have accepted bridal presents, they shall restore double the presents.

If the parents take back their daughter from a man to whom she *Manuvannā* was given in marriage and with whom she has cohabited, the bridal presents given by him shall be restored because they have acted fraudulently.

[Substantially the same as Dhammathatkyaw.]

Kungya-  
linga.



Kungya-  
linga.

If the parents of a girl being desirous of obtaining bridal presents promise to give her in marriage to a man, they should keep their promise ; but if they are unwilling to do so after they have received the presents, they shall restore double.

Ditto.

In the case of giving of a daughter in marriage to a man after accepting or receiving bridal presents from him, the rules laid down in the Dhammathats, with respect to the restoration of the presents when the parents take her back either after she has had, or before she has any, sexual intercourse with him, vary very much. In such cases weight must be attached to the view taken in the majority of decided cases.

Warulinga.

If the parents of a girl accept bridal presents from a man after promising to give her in marriage to him, they shall restore all the presents if they subsequently refuse to abide by their promise.

Ditto.

Even among relatives, if bridal presents are accepted by the girl's parents, they shall be restored if they refuse to give her in marriage.

Kyetyo.

If the parents take back their daughter after having given her in marriage, double the presents shall be restored.

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#### SECTION 57.

#### DEMANDING THE RESTORATION OF BRIDAL PRESENTS BECAUSE OF THE BRIDE'S MISCONDUCT.

Kandaw.

Bridal presents shall not be resumed on the ground of the bride's misconduct.

Panam.

[The same as Kandaw.]

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#### SECTION 58.

#### THE PARENTS OF BOTH PARTIES AGREEING TO GIVE THEIR SON AND DAUGHTER IN MARRIAGE, BRIDAL PRESENTS ARE GIVEN ; ON THE DEATH OF EITHER OF THE BETROTHED PERSONS, THE PRESENTS SHOULD BE RESTORED.

Panam.

The parents of both parties agree to give their son and daughter in marriage, and appoint a day for the ceremony. Bridal presents are given and accepted, but before the appointed day arrives either of the betrothed dies ; the presents shall be restored.

Kungya-  
linga.

After a son and a daughter are engaged to be married, either of them dies ; if there is no younger son or daughter to take the place of the deceased, the engagement comes to an end.



SECTION 59.

ONE DAUGHTER IS SHOWN AT THE TIME OF ACCEPTING THE BRIDAL PRESENTS AND BETROTHAL, AND ANOTHER IS SUBSTITUTED AT THE TIME OF MARRIAGE; THE BRIDEGROOM MAY MARRY BOTH DAUGHTERS.

If the parents show one daughter at the time of accepting bridal presents but give another in marriage, the bridegroom may marry both daughters. Mānussika.

If one daughter is shown when bridal presents, such as betel-leaves, tobacco, &c., are given by a man, and a different daughter is substituted at the time of marriage, the bridegroom may marry both daughters. Ditto.

If one daughter is shown at the time of betrothal and another is given at the time of marriage, the bridegroom may marry both daughters. Ditto.

If the parents show one daughter at the time of accepting bridal presents and substitute another at the time of marriage, the bridegroom may marry both daughters. Pyu.

Bridal presents are accepted by the parents who promise to give a particular daughter in marriage, but a different daughter is substituted at the time of marriage; the bridegroom may marry both daughters. Villāsa.

[Substantially the same as Pyu.]

Waru.

The parents present the younger daughter at the time of betrothal and give the elder at the time of marriage; the bridegroom may marry both daughters. If the bridegroom marries the daughter given, but subsequently repudiates her, he is entitled to recover all the bridal presents. He cannot be blamed for his action, because the parents of the girl have themselves acted fraudulently. Kaingzi

[Substantially the same as the second extract from Myingun. Mānussika.]

There shall be no cause of action if the bridegroom willingly accepts the daughter given in marriage, although she is not the same daughter shown at the time of betrothal, even if the one substituted be a slave daughter. Dhamma-thakkyaw.

[Substantially the same as Pyu.]

Ditto.

Marriage is solemnized with one daughter, but just before it is consummated another is substituted and the bridegroom has sexual intercourse with the latter; he may then marry both daughters. Dhamma.



Manugyā.	[ Substantially the same as Dhamma.]
Kandaw.	[ Substantially the same as Kaingza.]
Vanna-dhamma.	The parents present the younger daughter at the time of betrothal and give the elder at the time of marriage; the bridegroom may marry both daughters. If he declines to accept the hand of any of the daughters he is entitled to recover all his presents.
Vaṇṇaṇā.	[ Substantially the same as Pyu.]
Manuyin.	[ Substantially the same as Pyu.]
Rāsi.	The parents present the younger daughter at the time of betrothal and give the elder at the time of marriage; the bridegroom may marry both daughters.
Manu-vāṇṇanā.	[ Substantially the same as Rāsi.]
Vicchedaṇṭ.	[ Substantially the same as the second extract from Mānussika. ]
Sōṇḍa.	[ The same as Pyu.]
Manu.	[ The same as Vaṇṇadhamma.]
Pāṇaṇ.	[ Substantially the same as Vaṇṇadhamma. ]
Kungya-linga.	[ Substantially the same as Pyu ]
Warulinga.	[ Substantially the same as Waru.]
Kyetyo.	[ Substantially the same as Vilāsa.]
Kyannet.	[ Substantially the same as the third extract from Mānussika.]

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#### SECTION 60.

ONE SON IS PRESENTED AT THE TIME OF BETROTHAL AND ANOTHER IS SUBSTITUTED AT THE TIME OF MARRIAGE: THE BRIDE MAY MARRY THE ONE SHE PREFERS.

Waru.	Manu, the Rishi, says that if one son is presented at the time of betrothal and another is substituted at the time of marriage, the bride may marry the one she prefers.
Warulinga.	Just as in the case of daughters so also in that of sons: if a son other than the one who was presented at the time of betrothal is given in marriage, the bride may marry the one she prefers. She is also entitled to all the presents already received.



SECTION 61.

DEMANDING THE RESTORATION OF BRIDAL PRESENTS FOR FAILURE TO DISCLOSE, AT THE BETROTHAL, THE FACT OF THE DAUGHTER BEING DUMB OR BARREN OR DEFECTIVE IN ANY MEMBER OF THE BODY OR ORGAN, OR THAT SHE IS SUFFERING FROM LEPROSY OR OTHER INCURABLE DISEASE.

If a woman is given in marriage to a man from whom the fact of *Mānussika*. her having any physical or constitutional defect is concealed at the time of betrothal, he can recover the presents given by him.

If a woman is given in marriage to a man without disclosing to *Ditto*. him the fact that she is insane or leprous or barren, or that she has already been deflowered, it shall be deemed a criminal offence.

If the parents of a girl do not disclose before marriage the fact *Pyu*. of her being insane or leprous or barren, they shall be punished.

If the parents do not disclose, at the time of receiving bridal pre- *Vilāsa*. sents from a man, the fact that their daughter is leprous or insane or blind, he can demand the restoration of double the presents given by him.

A man from a distant place gives bridal presents and asks for *Kaingza*. the hand of a girl. Her parents accept the presents, but withhold from him the facts of their daughter's pregnant condition or of her being barren, leprous, deaf, dumb, or defective in any member of the body or personal beauty. If he objects to marry her, all the presents shall be restored. Because, the parents of the girl withheld the information which the man living at a distance could not obtain.

If otherwise the man lives in the same locality as the girl and marries her notwithstanding that he knows her defects, he shall forfeit all the presents if he subsequently repudiates her.

[Substantially the same as the second extract from *Myingun*.  
*Mānussika*.]

If the parents of a girl accept bridal presents from her suitor, *Dhamma-* but do not disclose at the time the fact that their daughter is of *thatkyaw*. unsound mind, or that she suffers from leprosy or other disease, they shall restore double the presents received, if they make the fact known only at the time of marriage.

If the presents are given notwithstanding the disclosure by the parents of the fact of their daughter's misfortune, there shall be no cause of action.



**Dhamma.** A suitor for the hand of a girl gives bridal presents to her parents who do not disclose to him or his parents the fact that their daughter is suffering from asthma or is leprous, deaf, lame, or idiotic. If he discovers the defect after the consummation of the marriage, and demands the restoration of the presents, double the same shall be restored. But if he consents to the marriage being fully aware of the defect or defects, he shall forfeit all the presents if he subsequently repudiates her.

**Manugyà.** [ Substantially the same as Dhamma. ]

**Kandaw.** [ Substantially the same as Kaingza. ]

**Vanna-dhamma.** A man residing at a distant place gives bridal presents and asks for the hand of a girl. Her parents accept the presents and give her in marriage to him. If on discovering afterwards that she is pregnant, or that she has caused a miscarriage, or that she is leprous, deaf, dumb, or defective in any member of the body, he refuses to have her, these facts having been previously concealed from him, all the presents shall be restored.

**Vannanà.** [ Substantially the same as Vilàsa. ]

**Manuyin.** If the fact of the daughter being leprous, insane, deaf, dumb, barren, lame, blind, or defective in any member of the body or organ, be concealed from her suitor, her parents shall be liable to punishment.

**Rasi.** [ Substantially the same as Vilàsa. ]

**Ditto.** [ Substantially the same as Kaingza. ]

**Ditto.** [ Substantially the same as the first extract. ]

**Manu-vannanà.** [ Substantially the same as Kaingza. ]

**Vicchedant.** If the parents do not at the time of betrothal disclose the fact that their daughter is leprous or barren, and give her in marriage, they shall be punished.

**Sōnda.** [ The same as Pyu. ]

**Manu.** If the parents accept the presents given by a suitor for their daughter's hand, concealing from him the fact of her suffering from leprosy, they shall restore double the presents received, if he refuses to marry her on his coming to know of the fact. But if the fact was made known at the time when he gave the presents, he shall not demand their restoration.

**Pānam.** [ Substantially the same as Kaingza. ]

**Warulinga.** [ Substantially the same as Vannadhamma. ]



If the parents do not disclose, at the time of accepting bridal presents from the suitor for their daughter's hand, the fact that she is leprous, insane, blind, lame, deaf, dumb, or defective in any member or organ, or is a hermaphrodite, they shall be disgraced, and he is entitled to demand the restoration of double the presents given by him. Kyetyo.

If the parents fraudulently give their daughter in marriage to a man concealing from him any personal defect in her, they shall restore the bridal presents if he desires to repudiate her. They are said to act fraudulently if they conceal from him the fact that their daughter is insane, leprous, or deaf, and accept the bridal presents when they know they should not. Kyannet.

A man may repudiate a woman when he becomes aware of any defect after marriage, but should not do so if she has none.

## SECTION 62.

AFTER BETROTHAL THE BRIDEGROOM DOES NOT CONSUMMATE THE MARRIAGE WITH THE BRIDE, BUT HAS SEXUAL INTERCOURSE WITH THE BRIDE'S ELDER OR YOUNGER SISTER, OR WITH A SLAVE OR OTHER WOMAN.

A daughter is betrothed to a man, but on the day of wedding he does not consummate the marriage with the bride, but has sexual intercourse with an elder or a younger sister of the bride, or with a slave of the bride's household. He shall not claim the bride as his wife, nor shall he demand restoration of the bridal presents. He shall take to wife the woman with whom he had sexual intercourse. Mānussika.

The parents betroth their daughter to a man, but before the day fixed for the marriage he has sexual intercourse with another person's daughter, or with a slave. If, on account of his breach of promise, the parents of the betrothed girl refuse to give her in marriage to him, he shall not demand the restoration of his bridal presents, nor shall he claim her as his wife. The woman with whom he had sexual intercourse shall be his wife. Pyu.

If, on the day of wedding, a young man does not consummate the marriage with his bride, but has sexual intercourse with another daughter, or with a slave of the bride's household, he shall obtain the latter and not the bride to wife. He shall not demand restoration of the bridal presents given by him on the ground that the bride was refused to him. Vilāsa.

The parents betroth their daughter to a man, but before the day appointed for the marriage he has sexual intercourse with her elder Kaingza.



or younger sister, or with a slave of the house. If, through shame, the bride refuses to marry him, he shall not claim her as his wife, nor shall he recover the presents given by him. As he has disgraced the bride's parents, the presents shall not be restored to him.

Myingun. If, on the day of wedding, the bridegroom has sexual intercourse with a woman other than the bride, he shall not obtain the bride to wife should she refuse to marry him, nor shall he recover the presents given by him.

Dhamma-  
thatkyaw. A man gives bridal presents and asks for the hand of the elder of two sisters; on the day of wedding he has sexual intercourse with the younger sister instead of the elder. He shall not obtain the elder sister to wife, but he may marry the younger if they both consent to the union; if not, he shall forfeit the presents given by him, because, the younger sister has been disgraced.

Dhamma. If a young man does not on the day of wedding consummate the marriage with the bride to whom he is wedded by his parents, but has sexual intercourse with her elder or younger sister living in the same house with her, whether that sister be lame, blind, or insane, he shall take to wife the woman with whom he had sexual intercourse, and shall not obtain the bride who shall be freed from all responsibility to accept him. If he objects to marry the wronged woman he shall pay her his *kobo*.

If the young man has sexual intercourse with a slave (living in the bride's house) he shall take her to wife, and not the bride, who shall no longer be responsible to accept him. If he refuses to marry the slave he shall pay her *kobo* to her.

Manugyè. [Substantially the same as Dhamma, except that it further provides that the young man shall forfeit the bridal presents given by him.]

Kandaw. [Substantially the same as Kaingza.]

Vanna-  
dhamma. If a young man who is betrothed to a girl has sexual intercourse with another girl or with a slave, notwithstanding that the parents of the betrothed girl undertake to give her in marriage to him, he shall forego her hand and shall also forfeit his bridal presents.

Vanpanā. [Substantially the same as Vilāsa.]

Manuyin. If, on the wedding day, the bridegroom has sexual intercourse with a woman other than the bride, he shall lose both the bride and the bridal presents.



[Substantially the same as Vilâsa.]

Râst.

[Substantially the same as Kaingza.]

Ditto.

After betrothal, the young man has sexual intercourse with a sister of the fiancée or with a slave living in her house. He shall not obtain the betrothed girl to wife, nor shall he demand restoration of the bridal presents given by him on her refusal to accept him. Since he has disgraced her parents he should be stigmatised as a deceiver and as one who has the low instincts of the dog. Manu-  
vannan.

A girl is given by her parents in marriage to a man after receiving bridal presents from him, but on the day of wedding, he has sexual intercourse with a woman other than the bride. He shall lose both the bride and the bridal presents. Vicchedant.

[The same as Pyu.]

Sônda.

If the bridegroom does not consummate the marriage with the bride, but has sexual intercourse with a woman who is blind or defective in any member or organ of the body, he shall take to wife the woman with whom he had the intercourse. If he is unwilling to marry her, she shall be given his *kobo*. The responsibility of the bride to accept him shall, at the same time, come to an end. Even if he has sexual intercourse with a slave he shall take her to wife; if he objects to it, she shall be compensated by paying her his *kobo*. Manu.

A man is betrothed to a girl after giving bridal presents to her parents. If he does not consummate the marriage with the bride but has sexual intercourse with another girl, he shall take to wife the girl with whom he had the intercourse, even if she be a slave. He shall also forfeit all the bridal presents. Pânâm.

[Substantially the same as Kaingza.]

Ditto.

[Substantially the same as Manuyin.]

Warulinga.

[Substantially the same as Vilâsa.]

Kyetyo.

A daughter is betrothed to a man who, on the day of wedding, has sexual intercourse with the bride's elder or younger sister who may be living in the same house, or with a slave of the house. If on account of his breach of promise the bride refuses to accept him, he shall not demand restoration of the bridal presents given by him, neither shall he claim her as his wife. He shall take to wife the woman with whom he had sexual intercourse. Kyannet.



## SECTION 63.

AFTER THE PARENTS HAVE ACCEPTED BRIDAL PRESENTS, SUCH AS BETEL AND PICKLED TEA, FROM SEVERAL SUITORS FOR THEIR DAUGHTER'S HAND, THEY GIVE HER IN MARRIAGE TO ONE OF THEM.

Mānus-  
sika.

The parents accept bridal presents, such as betel and pickled tea, from three suitors for their daughter's hand after promising her to each of them, but give her in marriage to the suitor whose love she reciprocates. The rejected suitors shall not recover the presents given by them. The parents shall have the right to enjoy such presents.

Ditto.

The parents accept bridal presents, such as betel and pickled tea, from three or four suitors for their daughter's hand after promising her to each, but give her in marriage to the suitor who gives the most bridal presents. The rejected suitors shall not recover the presents given by them.

Pyu.

[Substantially the same as the second extract from Mānus-sika.]

Vilāsa.

[Substantially the same as the first extract from Mānus-sika.]

Kāingza.

The parents are at liberty to accept bridal presents, such as betel, pickled tea, sugarcandy, other eatables, flowers, &c., from suitors for their daughter's hand, even though there may be ten of them.

Myingun.

[Substantially the same as the second extract from Mānus-sika.]

Dhamma-  
thatkyaw.

[Substantially the same as the first extract from Mānus-sika.]

Dhamma.

Each of the three suitors for a girl gives her bridal presents, such as gold, silver and clothes, and asks her parents for her hand giving them presents of pickled tea. The parents promise to give her in marriage to each on condition that she approves of the union. If she marries the suitor whom she loves, the others shall not demand restoration of their bridal presents which shall become the property of her parents. Because, she favours that particular suitor, and there shall be no cause of action for the others.

Manugyā.

The parents of each of several suitors for a girl give bridal presents, such as betel, pickled tea, gold, silver, clothes, &c. Her parents



accept the presents after promising to each of the suitors that she would be given in marriage to him if she favours his suit. After consulting her, she is given in marriage to the suitor whom she loves. The parents of the rejected suitors cannot recover their presents which shall belong to her parents, because there was the condition that she would be given in marriage to the one whom she approved.

[Substantially the same as Kaingza.]

Kandaw.

[Substantially the same as Kaingza.]

Vanna-  
dhamma.

[Substantially the same as the first extract from Mānus-  
sika.]

Vañṇanā.

The parents of a girl are at liberty to accept and retain bridal presents, such as betel and pickled tea, given by several suitors to her.

[Substantially the same as the first extract from Mānus-  
sika.]

Rāst.

[Substantially the same as Kaingza.]

Ditto.

[Substantially the same as the first extract.]

Ditto.

[Substantially the same as Kaingza.]

Manu-  
vaṇṇanā.

NOTE.—Here follows a discussion on the word "Sīlaja" the Pāli equivalent for pickled tea.

The parents of a girl accept bridal presents from her many suitors, but give her to a suitor chosen by them. The rejected suitors shall not recover their presents.

[The same as Pyu.]

Sōnda.

If the parents of a girl accept bridal presents from several suitors, making to each of them a conditional promise that the giver will be accepted if she favours him, they commit no offence. She shall be given only to the suitor whom she prefers.

[Substantially the same as Manuyin.]

Pānaṃ.

[Substantially the same as Vilāsa.]

Kyetyo.

Three suitors for a girl give bridal presents, and to each of them her parents promise to give her in marriage, but to one of them she is married. The rejected suitors shall not demand the restoration of their presents which shall belong to her parents, and she is equally debarred from reclaiming any property which she may have given them.

Kyannet.



## SECTION 64.

AFTER THE PARENTS HAVE ACCEPTED BRIDAL PRESENTS FROM ONE SUITOR THE DAUGHTER HAS SEXUAL INTERCOURSE WITH ANOTHER MAN.

Mano. If a bride has sexual intercourse with another man, she shall return the bridal presents if the marriage has not yet been consummated, and twice as much if it has been consummated.

Kaingza. [Substantially the same as Mano, except that in the free translation of the Pāli text it is added that the woman shall become the wife of the man with whom she has had sexual intercourse.]

Dhamma-  
thatkyaw. The parents of a girl accept bridal presents from a man and give her in marriage to him. Just before consummation of marriage the bride leaves the bridegroom on the pretext of desiring to answer a call of nature and elopes with her paramour. Then shall all the bridal presents be restored.

Kandaw. [Substantially the same as Kaingza.]

Tejo. [The same as Mano.]

Vaṇṇa-  
dhamma. [Substantially the same as Mano.]

Vaṇṇanā. [Substantially the same as Mano.]

Rāsi. [Substantially the same as Mano.]

Manu-  
vaṇṇanā. [Substantially the same as Mano.]

Pāṇan. [Substantially the same as Kaingza.]

Kyetyo. [Substantially the same as Mano.]

Kyannet. The parents of a girl accept bridal presents from a man and give her in marriage to him; the bride leaves the bridegroom on the pretext of desiring to answer a call of nature and elopes with her lover. Although the bridegroom finds them living together the seducer shall not be punished like an adulterer, because the marriage has not yet been consummated. The woman shall, however, restore double the bridal presents.

## SECTION 65.

A MAN SERVING AS A DOMESTIC IN ORDER TO WIN A DAUGHTER OF THE FAMILY IS ENTITLED TO OBTAIN HER AS HIS WIFE, PROVIDED THAT HE HAS HAD SEXUAL INTERCOURSE WITH HER BY MUTUAL CONSENT, PARENTAL CONSENT TO THE UNION BEING UNNECESSARY.

Mānussika. Although the parents of a girl may not have given her in marriage to a man (who gives bridal presents to her parents and serves them



as well), he is entitled to obtain her to wife if he has had sexual intercourse with her.

A young man publicly serves in the house of a girl's parents. She *Vilāsa*. shall become his wife, although her parents do not give her in marriage to him, provided that he has, with her consent, had sexual intercourse with her.

If a young man publicly serves in the house of a girl's parents and has clandestine sexual intercourse with her because they would not give her in marriage to him, he shall obtain her to wife, and the parents shall not say that they do not approve of the union. *Dhamma-thatkyaw.*

A suitor for a girl serves her parents who, however, do not promise to give her in marriage to him. If he has, with her consent, had sexual intercourse with her, and if the parents become cognizant of the fact, they shall not prevent the union. Let the young couple marry. *Dhamma.*

Though the parents of a young woman do not promise to give her in marriage to him, a young man carries on their business for them, and has, with her consent and with their knowledge, sexual intercourse with her. Then the parents shall not question the validity of the union, and the young man and the young woman shall become man and wife since they have publicly lived and worked together. *Manugyè.*

[Substantially the same as *Vilāsa*.]

*Vañṇanā.*

[Substantially the same as *Vilāsa*.]

*Rāsi.*

#### SECTION 66.

GIVING A DAUGHTER IN MARRIAGE TO A MAN OTHER THAN THE ONE WHO HAS GIVEN BRIDAL PRESENTS AND HAS BEEN SERVING HER PARENTS.

If the parents give their daughter in marriage to another man, although there is a suitor for her hand who serves in their house for one, two, or three years, they shall, if the suitor chooses to marry another woman, give him the price of a woman's suit of clothes and bridal presents, and shall also defray the expenses of the marriage ceremony, but if he does not choose to marry another woman, being at the same time deprived of the daughter of the house whom he intended to marry, they shall give him half her *kobo*. *Kaingza.*

A suitor for a girl gives bridal presents to her parents and also serves them. If, before there has been any intimacy between him *Dhamma.*



and his intended, she is given in marriage by her parents to another man, her husband shall restore to the suitor double his (suitor's) presents and also his estimated wages.

If the parents of a girl promise to give her in marriage to a man on the condition of his serving them for a specified period of time, and subsequently refuse to make good their promise on the expiry of that period, they shall give him her *kobo*.

Manugyè.

[Substantially the same as Dhamma.]

Vanna-  
dhamma.

If a suitor serves two or three years in the house of the parents of his intended with the intention of claiming her hand ultimately, she shall be given in marriage to him. If she is married to another man, he shall be given the amount of his estimated wages and half her *kobo*.

Râsî.

On the parents promising to give their daughter in marriage to him, a man gives bridal presents and serves in their house. If she is subsequently given in marriage to another man, they shall restore to the first man double the presents given by him.

Kyetyo.

[Substantially the same as Râsî.]

Kyannel.

[Substantially the same as Râsî.]

## SECTION 67.

A SUITOR SERVES THE PARENTS OF THE GIRL THREE YEARS, BUT THE GIRL IS GIVEN IN MARRIAGE TO ANOTHER MAN, AND HE HIMSELF MARRIES ANOTHER GIRL.

Kandaw.

If the parents wish to give a young man in marriage to a woman other than their daughter, although he has served three years in their house with the intention of ultimately marrying the latter, they shall give him a woman's suit of clothes, marriage expenses, and bridal presents, provided, in the first place, that he consents to the marriage; but if he does not consent, he shall receive from them half a woman's *kobo* for the loss of the girl he desires to marry.

Râsî.

[Substantially the same as Kaingza in section 66.]

Manu-  
vaṇṇanā.

[The same as Kaingza in section 66, except that it also mentions the price of a man's suit of clothes among the presents which shall be given to the suitor.]

Pāṇam.

[Substantially the same as Kandaw, except that it says that a suit each of a man's and a woman's clothes shall be given instead of a woman's suit of clothes only.]

Warulinga.

If the parents of a girl give her in marriage to another man, although a suitor for her hand has served them fully three years and



three months, they shall give the amount of his estimated wages and half her *kobo*.

If the parents of a girl give her in marriage to another man, although there is a suitor serving in their house, they shall restore to the suitor double the bridal presents given by him, and shall bear the costs of the law suit. Kyetyo.

The parents-in-law shall not repudiate their son-in-law without just cause; if they do so they shall be fined sixty ticals of silver. If he is still young they shall bring him up till he attains the proper age. This refers only to a son-in-law who has served in the house of his parents-in-law. Kyannet.

### SECTION 68.

THE DAUGHTER, NOT LIKING THE MAN FROM WHOM HER PARENTS HAVE ACCEPTED BRIDAL PRESENTS, RUNS AWAY AND CONCEALS HERSELF.

The parents of a girl accept bridal presents from a man after promising to give their daughter in marriage to him. If she, disliking him, runs away, another daughter shall be substituted, failing which all the bridal presents shall be restored. If there has been marriage and if it has been consummated, double the presents shall be restored. Kaingza.

After marriage, but before consummation, the girl without choosing to marry another man, returns to her parents, not liking the man to whom she is married. The parents shall restore her to the man three times. If she still refuses to cohabit with him, the parents are entitled to retain the presents given to them before the marriage as they have performed their duty as parents, but the girl shall restore double the ornaments given to her by him at the time of wedding. Dhamma.

[Substantially the same as Dhamma.]

Manugyè.

[Substantially the same as Kaingza.]

Kandaw.

If a daughter, not liking the man from whom her parents have accepted bridal presents, runs away, another daughter shall be substituted, because they have already accepted bridal presents from him. Presents given and accepted shall be restored if, through dislike of the parties, each for the other, the giver demands or the receiver desires the restoration of them, but the betrothal shall still hold good because the presents were given and accepted by the parents and relatives of the parties concerned. Vanna-dhamma.



Rāśi. [Substantially the same as Kaingza.]

Manu-  
vannanā. [Substantially the same as Kaingza.]

Rājabala. If the daughter, not liking the man to whom she is married by her parents, returns to them before the marriage is consummated, and does not choose to marry another man, they shall restore her to her husband three times; and if she still persists in disobeying them she shall restore to the husband all the property which may have been given to her. If the marriage has been consummated double such shall be restored. As the parents have performed their duty they are entitled to retain the presents given to them by him.

Manu. If the daughter disliking the man to whom she is given in marriage runs away, her parents shall restore her to him three times. If she still persists in running away she shall restore all the property given to her by him on the day of wedding, but her parents shall be entitled to retain the presents given to them.

Other texts say that she shall return double the presents.

Pānam. [Substantially the same as Kaingza.]

Kyannel. When a daughter declines to cohabit with the man to whom she is given in marriage, all the bridal presents shall be restored if the marriage has not yet been consummated, or double the presents if it has been consummated.

#### SECTION 69.

IF THE FATHER DISAPPROVES OF THE MATCH, HE MAY DEMAND THE RESTORATION OF HIS DAUGHTER GIVEN IN MARRIAGE BY THE MOTHER DURING HIS ABSENCE.

Waru. O great king! Marriage with a son or daughter is valid only when he or she is given in marriage by the father. If he or she is given in marriage by the mother, the father has the right to revoke the marriage and give him or her to another person whom he approves. Thus it has been decided.

Kaingza. As the control exercised by the father over his children is superior to that exercised by the mother, he has the right to revoke the marriage and take back the daughter who has been given in marriage by the mother during his absence, if he does not approve of the union. The husband is the lord and master of his wife even though she be the daughter of a king. The man who is governed by his wife is sure to be ruined.

Kandaw. [Substantially the same as Kaingza.]



If a daughter is given in marriage by the mother during the father's absence, he has the right to revoke the marriage and take his daughter back, if he does not approve of the union. The father is the lord of his wife and children. Vanna-dhamma.

A woman may be the daughter of a king, still she is completely under the control of the man to whom she is given in marriage by her father. The king who always complies with the wishes of his chief queen is sure to be ruined.

[Substantially the same as Kaingza.]

Rāsi.

The decision in the following case cited in the Mānussika Dham- Ditto.  
mathat illustrates that the father's right to give away his daughter in marriage is superior to that of the mother's.

A trader whose boat was capsized and who was thereby rendered helpless asked a fisherman to rescue him, promising that he would give his daughter in marriage. He was rescued from a watery grave by the fisherman, and in pursuance of his promise he took home the fisherman with him. On his arrival he found that his daughter had already been given away in marriage by her mother. Both parents disputed each other's right of control over their children, and went before Manu, the Rishi. He said that as the mother was like the soil on which crops were raised and the father like the tiller of the soil who raised the crops, so the latter should have absolute control over the children.

The following case was decided in accordance with the above rule. In the reign of Narapati, builder of the Tupayôn pagoda, the father of a girl desired to give her in marriage to his nephew, while her mother wanted her for her nephew. Both parents came before the king for the settlement of their contention. The king considered that as a son properly belonged to the father and a daughter to the mother, the latter should be favoured. But the king's councillors said that when King Vessantarā, the Embryo Buddha, gave away in charity his wife and children, it must be presumed that he had complete control over them, and that considering that fact a man should be deemed to have control over even his wife, leave alone his daughter. The king accordingly decided in favour of the father and the *nats* applauded the decision.

If a daughter is given in marriage by her mother during the absence of the father, he has the right to revoke the marriage and take his daughter back if he does not approve of the union. A man is the lord and master of his wife and children, though she may be the daughter of a king. Therefore, all dealings of the wife with other persons in worldly matters without the knowledge and consent Manu-vannanā.



of her husband cannot be held to be proper. Even a chief queen cannot act as she pleases.

Rājabala.

As the father has the control of the daughter, the mother shall not give her away in marriage without his consent.

[The story which follows is the same as the first case quoted in the second extract from Rāsi.]

Pāṇam.

If a daughter is given in marriage by the mother during the absence of the father, he has the right to take her back if he does not approve of the union.

Kungya-  
linga.

After promising to divorce his wife, a man publicly cohabits with a woman and maintains her with the knowledge of her mother. If her father does not know of the cohabitation, he can exercise his right as a father who completely controls her and take her back as in the case of an owner recovering his property given away stealthily by one who has no title to it. But the man shall not be liable to pay compensation. If there has been sexual intercourse, he shall forfeit all the property given by him, but if not, half of such property which is still in her hands shall be restored. In the event of the property being expended restitution shall not be insisted upon; because, it was given through affection.

Warulinga.

If a daughter is given away in marriage by the mother during the father's absence, the marriage is not valid. He has the right to take her back and to chastise her.

#### SECTION 70.

THE PARENTS BEING UNABLE TO BRING UP THEIR DAUGHTER  
MAKE HER OVER TO THE CHARGE OF THEIR CO-HEIRS;  
THE LATTER HAVE THE RIGHT TO GIVE HER IN MARRIAGE  
TO WHOMSOEVER THEY PLEASE.

Kaingza.

The parents or grandparents being unable to bring up their children or grandchildren make them over to the charge of their co-heirs. If such co-heirs publicly accept presents and give them in marriage, it shall be valid marriage. If the children are made over to the care of neighbours, the latter shall have only the right of keeping them and of giving them away in marriage, but they shall not retain the bridal presents for their own benefit. Such presents shall be treated as the inheritance of the children or grandchildren.

Kandaw.

[Substantially the same as Kaingza.]

Vanna-  
dhamma.

The parents being unable themselves to bring up their children make them over to the care of their co-heirs; the latter shall have



the right to give away in marriage the children so entrusted, and also to enjoy the presents given at the time of their betrothal.

The parents or grandparents being unable themselves to bring up their children or grandchildren make them over to the care of their co-heirs ; the latter shall have the right to give away in marriage the children or grandchildren so entrusted and to accept the presents given at the time of their betrothal. The parents shall not subsequently question such right. Manu-  
vāṇṇa

[Substantially the same as Manuvāṇṇa].

Pāṇini

### SECTION 71.

IN THE ABSENCE OF PARENTS, BROTHERS OR SISTERS, MARRIAGE WITH A GIRL IS VALID ONLY WHEN SHE IS GIVEN AWAY BY HER GUARDIAN.

If a daughter is given in marriage to a man by the mother, elder sister, brother, grandparents, maternal aunts, paternal uncles, mother's elder brother, father's elder sister, governors or magistrates, the father shall have the right to revoke the marriage if he does not approve of it, and marry her to another man. If, in the absence of parents, she lives with some of her co-heirs and if she is given in marriage by other relatives such as those enumerated above, the co-heirs with whom she lives shall have the right to revoke the marriage if it is without their knowledge and consent. Marriage contracted with their consent shall alone be valid. If, in the absence of co-heirs, she is given in marriage by the grandparents, &c., the marriage shall be held valid. Dhamma

If, on the strength of his or her guardianship, any of the twenty-one classes of women (enumerated elsewhere) is given in marriage to a man by any of the following, namely, grandfather, grandmother, mother's elder or younger sister, father's elder or younger brother, elder sister, brother, father's elder sister, mother's elder brother, governors or magistrates, the marriage shall be invalid if it is without the knowledge and consent of the bride's father. Only he to whom her father gives her in marriage shall be her husband. On the death of the father the mother has the right to give her away in marriage ; on the death also of the mother, if she lives with any of her co-heirs, they alone shall have the right. When there are no such co-heirs, a guardian shall have the same authority. Manugyā

The parents and relatives of a young man may give presents to those of a young woman, but such giving shall constitute betrothal only when she is present, and again it shall not constitute betrothal if the young man is not present. Kandaw.



Kyannet.

The guardian of a woman alone has the right to give her away in marriage.

## SECTION 72.

AFTER MARRIAGE, THE PARENTS OF THE BRIDE CANNOT CLAIM THE PROMISED BRIDAL PRESENTS.

Mano.

Only on the receipt of bridal presents should the parents permit the man to whom their daughter is given in marriage to cohabit with her, they being within their rights to do so. Should they permit the man to cohabit with her before he has given the bridal presents, they have acted unwisely, because, in so permitting him, they tender her virginity, and if the bridegroom fails to make good his promise to give bridal presents, they cannot be recovered in the same way as debts.

Mānussika.

The parents should first demand the bridal presents before their daughter is given over to the man to whom she is married. They cannot recover the promised bridal presents or the dowry promised by his parents after she has been made over to him. He may or may not give them (presents and dowry) as he pleases.

Ditto.

The parents should not permit the man to whom their daughter is married to cohabit with her before receipt of some of the bridal presents already promised.

Children shall not demand payment of the dowry promised to be given by their parents at the time of wedding. If the parents are reduced to straitened circumstances, while the children are prospering, the former shall have the right to take back the dowry given by them.

Pyu.

The parents of a girl should first demand the bridal presents before they give her in marriage. After marriage her parents cannot demand the bridal presents, neither can their son-in-law claim to have the dowry (*i.e.*, the cup used in the marriage ceremony).

The parents shall not make over their daughter to the man to whom she is married before they have received the bridal presents.

Vilāsa.

Bridal presents shall be demanded before the daughter is made over to the man to whom she is married, and not after.

Waru.

Listen O great king! The parents should make over their daughter to the man to whom she is married only on receipt of the bridal presents.

Kaingza.

[Substantially the same as Mano.]

Myingun.

[Substantially the same as the second extract from Mānussika.]



The parents shall demand the bridal presents before they make over their daughter to the man to whom she is married. They cannot, after they have made over their daughter, enforce their demand of the presents promised, as if they were debts, neither can they take her back in consequence of the failure of the promise. They have acted unwisely if they allowed themselves to be influenced by promises merely. Dhamma-  
thatkyaw.

If the parents of the bride do not demand bridal presents from the parents of the bridegroom at the time of marriage, they shall not do so after it has been consummated.

[Substantially the same as Dhamma.] Manugyè.

[Substantially the same as Mano.] Kandaw.

[The same as Mano.] Tejo.

[The same as Mano.] Vanna-  
dhamma.

The parents should demand the bridal presents before they make over their daughter to the man to whom she is married ; they shall not do so after they have made her over to him. Vannanā.

[Substantially the same as Vannanā.] Manuyin.

The parents should make over their daughter to the man to whom she is married only after receipt of the bridal presents. If they make her over to him before such receipt they have acted unwisely, because, they cannot demand payment of property promised to be given merely with intent to have sexual intercourse with her. Rāst.

[Substantially the same as Vannanā.] Ditto.

If there has been sexual intercourse before delivery of the bridal presents, the bridegroom is entitled to have the bride, and he may refuse to give them ; the bride's parents have acted thoughtlessly in permitting sexual intercourse. Vinicchaya.

[Substantially the same as Mano.] Manu-  
vannanā.

The parents should first demand the bridal presents before their daughter is given to the man to whom she is married. Vicchedant.

[The same as Pyu.] Sōnda.

[Substantially the same as Mano.] Manu.

[Substantially the same as Vannanā.] Pāpam.

[Substantially the same as Vannanā.] Kungya-  
linga.



Kyetyo. [Substantially the same as Vaṇṇanā.]

Kyannet. [Substantially the same as Vaṇṇanā.]

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SECTION 73.

A SUITOR WHO HAS MARRIED ANOTHER WOMAN DEMANDS  
THE RESTORATION OF HIS BRIDAL PRESENTS. ■

Kaingza. A suitor who has married another woman shall not demand the restoration of his bridal presents.

Kandaw. [Substantially the same as Kaingza.]

Vanna-  
dhamma. A suitor, who repudiates the woman to whom he has given bridal presents and marries another, shall not demand the restoration of his bridal presents.

Rāst. [Substantially the same as Kaingza.]

Manu. [Substantially the same as Kaingza.]

Pāṇam. [Substantially the same as Kaingza.]

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SECTION 74.

AFTER ACCEPTING BRIDAL PRESENTS FROM ONE SUITOR, THE  
DAUGHTER IS GIVEN IN MARRIAGE TO ANOTHER.

Mano. If parents give their children in marriage for a second time (during the continuance of the first marriage) it shall be void. No such subsequent spouse shall be deemed a relative. In the case of a daughter who lives with the second husband, she shall be considered as a widow if she has no children by him. In the case of a son he may marry on his own responsibility as many as ten wives, but his parents shall not give him in marriage to more than one woman.

Mānussika. If a daughter is given in marriage to a man other than the suitor for her hand who has given bridal presents and served in her parents' house, double the presents given by the latter shall be restored to him.

Ditto. If the parents give their daughter in marriage to one man after having accepted bridal presents from another, they shall restore double such presents.

Ditto. After having accepted bridal presents from several suitors for the hand of a girl, her parents give her in marriage to a man who is wealthy and who gives the most presents; they shall restore double the presents to each of the rejected suitors, if he had no sexual



intercourse with their daughter, or the same presents if he had such intercourse. They shall also be liable to pay compensation.

[Substantially the same as the second extract from MÂ-Pyu-nussika.]

Substantially the same as the third extract from MÂ-Ditto-nussika.]

The parents accept bridal presents from several suitors for their Vilâsa daughter's hand, but give her in marriage to the suitor who gives the most presents. The rejected suitors are entitled to demand restoration of double their presents.

[Substantially the same as the first extract from MÂ-Ditto-nussika.]

[Substantially the same as the second extract from MÂ-Waru-nussika.]

If the parents of a girl give her in marriage to one man after Kaingza, having accepted bridal presents from another, the latter shall be entitled to receive from the former the same amount of compensation as from an adulterer.

[Substantially the same as the second extract from MÂ-Myingun-nussika.]

[Substantially the same as the third extract from MÂnus-Ditto-sika, except that it does not provide payment of compensation.]

[Substantially the same as the first extract from MÂnus-Dhamma-sika.] thatkyaw.

If the parents of a girl accept bridal presents from one man and Dhamma, give her in marriage to another who is well-to-do, they shall restore double his presents to the rejected suitor.

The parents of a girl accept bridal presents from the parents of a young man, promising that they will settle the marriage independently of their daughter's wish. If, however, they subsequently give her in marriage to another man, they shall restore all the presents to the parents of the rejected young man. Ditto.

[Substantially the same as the first extract from Dham-Manugyè-ma.]

[Substantially the same as the second extract from Dham-Ditto-ma.]

[Substantially the same as Kaingza.] Kandaw.



- Vanna-  
dhamma,  
Vannanā, [Substantially the same as Kaingza.]  
[Substantially the same as the first extract from Mā-  
nussika.]
- Manuyin, [Substantially the same as the second extract from Mā-  
nussika.]
- Ditto. If after the parents of a girl have accepted bridal presents from a man she is guilty of misconduct with another man, double the presents shall be restored to the former.
- Rāst. [Substantially the same as the second extract from Mā-  
nussika.]
- Ditto. [Substantially the same as Kaingza.]
- Ditto. The Mānussika Dhammathat says that if the parents of a girl accept bridal presents from one man and give her in marriage to another who gives more presents, or if they do not disclose, at the time of accepting the bridal presents, the fact of their daughter being leprous, insane or blind, the wronged man is entitled to demand restoration of double his presents.
- o. [Substantially the same as the first extract from Mā-  
nussika.]
- Ditto. [Substantially the same as the third extract from Mā-  
nussika.]
- Manu-  
vapnanā,  
Vicchedanī, [Substantially the same as Kaingza.]  
[Substantially the same as the second extract from Mā-  
nussika.]
- Rājābala. If the parents of a girl accept bridal presents from one man and give her in marriage to another, they shall restore to the former double the presents given by him. But if the parents accept presents from a man without consulting their daughter beforehand, and if, subsequently, she refuses to accept him and marries a man of her choice, they shall restore merely the presents given by the former, but shall not be made to restore double.
- Sōnda. [The same as Pyu.]
- Manu. If the parents of a girl accept bridal presents from a man promising to give her in marriage to him whether she is willing or not, and subsequently give her in marriage to another, the former is entitled to demand restoration of his presents; and if he has served in their house, he is entitled to demand restoration of double the presents and payment of his estimated wages.



The parents of a girl accept bridal presents from one man and Pāṇam, give her in marriage to another; if the former has as yet no sexual intercourse with her, all his presents shall be restored, but if he has had such intercourse, double the same shall be restored.

[Substantially the same as Kaingza.]

Ditto.

The parents of a girl accept bridal presents from a man and Warulinga, subsequently refuse to give her in marriage to him after he has been intimate with her; or after accepting bridal presents from one man they give her in marriage to another; in either case they shall restore to the wronged man double his presents.

[Substantially the same as the second extract from Mānussika.]

The parents of a girl accept bridal presents from a man and give Kyetyo, her in marriage to him. Subsequently thinking that the union was unfortunate, they give her to another man with whom they think that their daughter will prosper; they shall restore to the man whom they have wronged all his presents if he had no sexual intercourse with her, but if he had such intercourse, he shall be given compensation in addition to the presents being restored.

[Substantially the same as the first extract from Vilāsa.] Ditto.

The parents of a girl accept bridal presents from one man and give Kyannet, her in marriage to another who is wealthy and gives more presents; they shall restore to the former double the presents given by him if he had no sexual intercourse with their daughter, but if he had such intercourse he shall be given compensation in addition to double the presents being restored.

#### SECTION 75.

ONE SUITOR GIVES BRIDAL PRESENTS TO THE PARENTS OF A GIRL, WHILE ANOTHER PAYS HIS ADDRESSES TO HER AND IS INTIMATE WITH HER; THE LATTER IS ENTITLED TO GET THE DAUGHTER.

If one suitor gives bridal presents to the parents of a girl, while Mānussika, another pays his addresses to her and is intimate with her, the parents shall restore double the presents to the former.

One suitor gives bridal presents to a girl but is not intimate with her, while another is so, although he gives no bridal presents. The Dhammathatkyaw, parents shall restore double the presents given by the former; and the latter is entitled to obtain her to wife; and if he repudiates her



he shall compensate her parents to the extent of what they had to pay to the other suitor.

Manu. The parents of a girl shall not give her in marriage to a man when they are fully aware of their daughter's intimacy with another man.

Kyetyo. If one suitor for the hand of a girl gives her bridal presents while another is intimate with her, the latter is entitled to obtain her to wife.

Kyannet. One suitor for the hand of a girl gives her bridal presents, but is not intimate with her, while another is so by mutual consent: the latter is entitled to obtain her to wife; the former shall not be allowed compensation, but double his presents shall be restored to him. If the girl does not choose to marry, she shall restore the presents she received.

Ditto. If two suitors for the hand of a girl, namely, one who has given bridal presents, and the other who has been intimate with her, contest as to who shall obtain her to wife, the man chosen by her shall obtain her. But her parents are at liberty to give her in marriage to the man of their choice. In the event of the first of the two suitors being rejected, his bridal presents and double the wedding expenses shall be restored to him. Because, the daughter is under the control of the parents

If a girl desires to repudiate a man to whom she is married, she shall restore all his presents, provided that the marriage has not been consummated.

#### SECTION 76.

ONE SUITOR GIVES BRIDAL PRESENTS TO THE GIRL'S PARENTS, WHILE ANOTHER PAYS HIS ADDRESSES TO HER; THE FORMER IS ENTITLED TO GET THE DAUGHTER.

Myingun. If the parents give their daughter in marriage to a man, her lover, with whom she has no intimacy shall not claim her as his wife.

Dhammathatkyaw. One suitor for the hand of a girl gives bridal presents to her parents, while another simply pays his addresses to her; the former is entitled to obtain her to wife.

Vicchedanā. If the parents give their daughter in marriage to a man although she is already in love with another, the latter shall not claim her as his wife, because there has been no intimacy between them.

Kyannet. [Substantially the same as Dhammathatkyaw.]



SECTION 77.

WHEN BORROWED BRIDAL PRESENTS ARE GIVEN, THE OWNERS COMMIT NO OFFENCE IF THEY TAKE BACK THEIR PROPERTY.

If a boat is hired for a specified time, the owner of it shall not demand any fee for such period as may be in excess of that specified. This is using another's boat without actually paying for its use. Mānussika.

A man gives to the parents of a girl borrowed bridal presents such as cups, swords, slaves, ponies, &c. If the owners take back their property after marriage, the parents shall not demand a separation for their daughter. This is what is known as winning the hand of a girl by artifice.

If a boat is hired for a specified time or for a specified journey, the owner shall not demand any fee for such period as may be in excess of that specified, or for the distance travelled beyond the specified destination. This is obtaining the use of another's boat by artful means. Pyu.

A man gives to the parents of a girl borrowed bridal presents such as cups, swords, slaves, ponies, &c. If the owners take back their property after marriage the parents shall not demand a separation for their daughter. This is what is known as winning the hand of a girl by stratagem.

O great king ! A man gives borrowed bridal presents to a girl's parents who accept them and give her in marriage to him ; if, after the marriage, he returns the presents to their owners, her parents shall not take her back on the ground that he has deceived them. She shall be given to him. So says Manu, the Rishi. Waru.

[Substantially the same as Pyu.]

Mylingun.

If a man marries a girl after giving borrowed bridal presents, the owners are at liberty to take them back, but the girl's parents shall be debarred from taking her back. Manuyin.

[Substantially the same as Mānussika.]

Rāst.

A man marries a girl after giving her borrowed bridal presents ; if the owners take back their property, her parents shall not take her back on the ground that they have been imposed upon. Manu-  
vannā.

[Substantially the same as Manuvannā.]

Vicchedant.

[The same as Pyu.]

Sōnda.

[Substantially the same as Manuyin.]

Pāṇam.



- Warulinga. A man gives borrowed bridal presents to a girl and marries her. If, after the marriage, the several owners take back their property, her parents shall not take her away from him.
- Kyetyo. A man gives borrowed bridal presents, such as cups, swords, slaves, &c., to a girl and marries her. If, after marriage, the owners take back their property, her parents shall not take her back. She becomes his wife.

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### SECTION 78.

IF A MAN, AFTER GIVING BRIDAL PRESENTS AND OBTAINING A GIRL TO WIFE, GOES AWAY ON A JOURNEY WITHOUT INTIMATING THE DATE OF HIS RETURN, THE PARENTS MAY TAKE THEIR DAUGHTER BACK.

- Kaingza. A man coming from a distant place gives bridal presents to a girl's parents and lives with her ; if he subsequently goes away without intimating the date of his return, the parents may take her back.

- Vanna-dhama. A man coming from a distant place gives bridal presents to the parents of a girl and lives with her ; if he goes away without leaving any means of maintenance, her mother may take her back.

- Rast. [Substantially the same as Kaingza.]

- Manu-vanṇanā. A man coming from a distant place gives bridal presents to the parents of a girl and lives with her ; if he wishes to return to his place of residence, he shall intimate the date of his return to her and also provide means for her maintenance ; if otherwise, her mother is entitled to take her back.

- Kungya-linga. A trader coming from a distant place gives bridal presents to the parents of a girl, but returns to his place of residence before marriage ; if he does not return to her for three consecutive years, he shall not demand from her parents restoration of his presents, and she shall be free to marry again.

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### SECTION 79.

BUT IF HE INTIMATED TO THE PARENTS THE DATE OF HIS RETURN, HIS YOUNGER BROTHER IS ENTITLED TO CLAIM THE BRIDE IF HE DIES WITHIN THREE YEARS OF HIS DEPARTURE.

- Kaingza. A man coming from a distant place gives bridal presents to the parents of a girl and lives with her ; he then returns to his place of residence, having provided means of maintenance and intimating



the date of his return. If he dies within three years of his departure, his brother can claim to have the girl to wife after discharging all her debts.

[Substantially the same as Kaingza.]

Kandaw.

On the death of the husband who went on a journey after he had provided the wife with means of maintenance, his brother can claim to obtain her to wife after he has discharged all her debts.

Vaṇṇa-  
dhamma.

[Substantially the same as Kaingza.]

Rāsi.

[Substantially the same as Kaingza.]

Manu-  
vaṇṇanā.

[Substantially the same as Kaingza.]

Pāṇam.

[Substantially the same as Kaingza.]

Cittara.

### SECTION 80.

AFTER MARRIAGE, RESTORATION OF BRIDAL PRESENTS CANNOT BE DEMANDED ON THE MERE GROUND OF ABSENCE OF MUTUAL LOVE BETWEEN THE CONTRACTING PARTIES.

After the marriage ceremony has been performed, restoration of Pyu. bridal presents, if refused, cannot be insisted upon on the ground of absence of mutual love between the bride and the bridegroom.

The parents of a girl and of a young man publicly make an agreement to form an alliance by giving them in marriage. If the young people subsequently refuse to marry, the engagement may be broken off.

Kandaw.

[The same as Pyu.]

Sōnda.

If the young man and the young woman (whose respective parents have agreed to give them in marriage) have no mutual love for each other, the engagement may be broken off, and there shall be no cause of action between them.

Pāṇam.

### SECTION 81.

AFTER THE PARENTS HAVE ACCEPTED BRIDAL PRESENTS FROM ONE SUITOR, THE DAUGHTER ELOPES WITH ANOTHER.

The parents give their daughter in marriage to a man, but just before consummation of marriage, she leaves the bridegroom on the pretext of desiring to answer a call of nature and elopes with her paramour. As she is unfaithful, all the bridal presents given by the

Mānussika.



bridegroom shall be restored to him, and as the marriage has not yet been consummated she cannot be considered as his wife.

**Vilāsa.** The parents give their daughter in marriage to a man, but she, disliking him, elopes with another. If the marriage has not yet been consummated all the presents given by the bridegroom shall be restored to him, or if it has been consummated, double the same shall be restored.

**Dhamma.** The parents give their daughter in marriage to a man, but before consummation of marriage, she elopes with another; they shall restore to the bridegroom all the presents given by him, and pay him all the marriage expenses. He shall also be entitled to receive all the ornaments and wearing apparel belonging to her. If the elopement takes place after consummation of marriage, the bridegroom is entitled to retain all the property brought by her to the marriage and to receive her *kobo*. The man with whom she eloped shall pay compensation as an adulterer.

**Manugyè.** [Substantially the same as Dhamma, except that the amount of compensation payable by the man with whom the bride eloped is given as thirty ticals of silver.]

**Rājabala.** If a girl, who has been given in marriage to one man by her parents, elopes with another before consummation of marriage, they shall restore all the bridal presents given by the former, and he shall also receive all her wearing apparel. If the elopement takes place after consummation of marriage, he shall receive her *kobo* in addition to the remedies enumerated above, and the man with whom she eloped shall pay him thirty ticals of silver.

**Manu.** If a daughter, who has been given in marriage to one man by her parents, elopes with another, they shall restore to the bridegroom all the presents given by him, and pay him all his wedding expenses as well as the ornaments and wearing apparel belonging to the bride. If the elopement takes place after consummation of marriage, he shall receive her *kobo* and all the property brought by her to the marriage, and the man with whom she eloped shall pay his *kobo* to the husband. Other jurists say that double the bridal presents shall also be restored to the husband.

**Pāṇam.** The parents accept bridal presents from a man and give her in marriage to him, but she elopes with another, they shall restore all the bridal presents to the bridegroom.

**Kyetyo.** [Substantially the same as Pāṇam.]



If the bride does not merely refuse to accept the bridegroom *Kyannet*, from dislike, but elopes with a man of her choice, she can be sold by the bridegroom.

SECTION 82.

THE DAUGHTER DISLIKES AND REPUDIATES THE HUSBAND TO WHOM SHE IS GIVEN IN MARRIAGE BY HER PARENTS.

If a daughter dislikes and repudiates the husband to whom she *Mano*. is given in marriage by her parents, double the bridal presents given by him shall be restored. Another rule is that he shall be given her *kobo*.

[Substantially the same as *Mano*.]

*Kaingza*.

The parents accept bridal presents from a man and give their daughter in marriage to him; if she refuses to accept him, they shall restore all the presents if the marriage has not yet been consummated, or double the same if it has been consummated. *Dhamma-thatkyaw*.

The parents of a girl accept bridal presents from those of a young man and give her in marriage to him; but she, disliking him and being counselled by her lover, refuses to accept him. If the marriage has not yet been consummated, double the bridal presents shall be restored to the bridegroom; but if it has been consummated he shall not demand their restoration. *Ditto*.

[Substantially the same as *Kaingza*.]

*Kandaw*.

[The same as *Kaingza*.]

*Tejo*.

[Substantially the same as *Kaingza*, except that a note is added to the effect that the second rule is meant to be alternative when full and satisfactory remedy cannot be obtained under the first.] *Vappa-dhamma*.

According to *Dhammavilāsa*, if a daughter dislikes the man to whom she is given in marriage by her parents and elopes with a man of her choice, all the presents given by the former shall be restored to him if the marriage has not yet been consummated, or double the same if it has been consummated. *Ditto*.

According to the *Manusāra Dhammathat*, if a daughter refuses to accept the man to whom she is given in marriage by her parents, either double the bridal presents given by him shall be restored or her *kobo* shall be given to him. *Ditto*.

[Substantially the same as *Mano*.]

*Manu-  
vaṇṇanā,  
Pāṇam*.

[Substantially the same as *Mano*.]



## SECTION 83.

THE SON DISLIKES AND REPUDIATES THE WIFE TO WHOM HE IS MARRIED WITH THE APPROVAL OF HIS PARENTS.

Kaingza. If the bridegroom dislikes the bride and repudiates her, he shall forfeit his bridal presents.

Dhamma-  
thatkyaw, [Substantially the same as Kaingza.]

Dhamma. If the son repudiates the woman to whom he is married with the approval of his, as well as her, parents, he shall, if the marriage still remains unconsummated, forfeit all his bridal presents, and shall also pay twice as much property as he is entitled to take to the marriage; if it has been consummated he shall give her all his possessions as well as his *koba*.

Manugyè. [Substantially the same as Dhamma.]

Kandaw. [Substantially the same as Kaingza.]

Tejo. [The same as Kaingza.]

Vañṇanā. [Substantially the same as Kaingza.]

Rāsi. [Substantially the same as Kaingza.]

Manu. [Substantially the same as Dhamma.]

## SECTION 84.

AFTER ACCEPTING BRIDAL PRESENTS FROM A MAN, THE PARENTS REFUSE TO GIVE THEIR DAUGHTER IN MARRIAGE TO HIM ON THE GROUND THAT HE IS OF LOW BIRTH.

Waru. If the parents of a girl accept bridal presents from a man knowing him to be low-born, they shall not subsequently refuse to give her in marriage to him.

Dhamma-  
thatkyaw. A daughter is given in marriage to a man on his representing that he is high-born; if the representation is subsequently found to be false, her parents may take her back, provided that there is no issue of the marriage; such right cannot, however, be exercised when a child has been born.

## SECTION 85.

AFTER THE DAUGHTER HAS BEEN MARRIED TO ONE MAN, SHE IS GIVEN IN MARRIAGE AGAIN TO ANOTHER.

Kaingza. If, after children have been given in marriage, the parents again give them in marriage a second time, they are then acting unnatur-



ally and not like parents. They are like those who have no children.

[Substantially the same as Kaingza.] Kandaw.

[The same as Kaingza.] Tejo.

[The same as Kaingza, except that a note to the following effect is added:—Since they have not acted like parents but like strangers, they shall be liable to be criminally punished like the latter.] Vanna-dhamma.

[Substantially the same as Kaingza.] Rāsi.

[The same as Kaingza.] Manu-vāṇṇā.

After children have once been given in marriage, they shall not be given in marriage again. Pāṇam.

#### SECTION 86.

A DAUGHTER IS MARRIED TO A MAN FROM WHOM THE PARENTS HAVE ACCEPTED BRIDAL PRESENTS; AFTER THE MARRIAGE HAS BEEN CONSUMMATED, SHE IS GIVEN IN MARRIAGE AGAIN TO ANOTHER MAN: THE PARENTS SHOULD GIVE ANOTHER DAUGHTER IN MARRIAGE TO THE FORMER.

If, after the parents have accepted bridal presents from one man, the daughter is guilty of misconduct with another, a second daughter shall be given to the former. Manuyin.

After accepting bridal presents from one man the parents give their daughter in marriage to another; if the former was intimate with her, another daughter shall be substituted, but if not, double the presents shall be restored to him. Vicchedant.

#### SECTION 87.

IF MARRIAGE HAS NOT YET BEEN CONSUMMATED, A BRIDE CANNOT PROSECUTE A WOMAN FOR HAVING HAD SEXUAL INTERCOURSE WITH THE BRIDEGROOM.

If marriage had not yet been consummated, a bride cannot claim compensation from the woman with whom the bridegroom had sexual intercourse, because the relationship of husband and wife has not yet been established. Kaingza.

[Substantially the same as Kaingza.] Kandaw.

[Substantially the same as Kaingza.] Vanna-dhamma.



Manuyin. [Substantially the same as Kaingza.]

Râst. [Substantially the same as Kaingza.]

Manu-  
vappanâ. If before consummating the marriage the bridegroom has sexual intercourse with another woman, the bride cannot prosecute the latter for having had intercourse with her husband.

Pânam. The parents give their daughter in marriage to a man, but before consummating the marriage with her he has sexual intercourse with another woman: the bride cannot claim the bridegroom as her husband and prosecute the woman.

Warulinga. [Substantially the same as Kaingza.]

#### SECTION 88.

A SUITOR SHALL NOT DEMAND RESTORATION OF HIS BRIDAL PRESENTS IF HE WISHES TO BREAK OFF THE ENGAGEMENT.

Mano. If the bridegroom dislikes the bride and repudiates her, he shall forfeit his bridal presents.

Vilâsa. [Substantially the same as Mano.]

Râst. [Substantially the same as Mano.]

Râjabala. If the bridegroom dislikes the bride and repudiates her, he shall, if the marriage still remains unconsummated, forfeit all his bridal presents and give her all the property taken by him to the marriage; if the marriage has been consummated he shall give his *kobo* in addition. This rule applies only when the bridegroom desires to repudiate the bride shortly after marriage.

Pânam. If the son dislikes the bride who is given in marriage to him by his parents and repudiates her, the bridal presents shall be forfeited.

Kyetyo. [Substantially the same as Mano.]

Kyannet. [Substantially the same as Mano.]

#### SECTION 89. [Omitted.]

#### SECTION 90.

THE PARENTS DEMAND THE RESTORATION OF THEIR DAUGHTER AFTER SHE HAS BEEN GIVEN IN MARRIAGE.

Mano. The parents give their daughter in marriage to a man whom they love and hold in high esteem; if they subsequently change their mind and demand restoration of their daughter, they shall give him half her *kobo* when the marriage has not yet been consummated, or the full amount of the *kobo* when it has been consummated.



[Substantially the same as Mano.]

Kaingza,

The parents give their daughter in marriage to a man but subsequently demand her restoration ; if the marriage has not yet been consummated, they shall give him half her *kobo*, or if it has been consummated, her full *kobo* shall be given. If, however, the daughter chooses to remain with her husband, her parents cannot compel her to separate from him.

[Substantially the same as Dhamma.]

Manugyè.

[Substantially the same as Mano.]

Ditto.

[Substantially the same as Mano.]

Tejo.

[Substantially the same as Mano.]

Râsl.

[Substantially the same as Mano.]

Pânam.

# SECTION 91.

AFTER THE DAUGHTER HAS BEEN GIVEN IN MARRIAGE TO A MAN WHO REPRESENTED THAT HE HAD NO WIFE, A FORMER WIFE APPEARS.

The parents give their daughter in marriage to a man who represents that he has no wife. If a former wife appears, he shall not claim to cohabit with the second wife unless he gives one or two sons by his former wife to his second parents-in-law, or, in the absence of sons, unless his former wife gives him up to his second parents-in-law : failing to comply with these two conditions, the second wife shall be freed from the bond of marriage, and he shall forfeit his bridal presents ; the reason being that he has by means of false representations wrongfully brought disgrace on the family of the second wife.

[Substantially the same as Kaingza.]

Kandaw.

The parents give their daughter in marriage to a man who represents that he has no wife. If a former wife comes forward he cannot obtain the second wife unless he gives one or two children by his former wife to the parents of his second wife, or, in the absence of children, unless he gives his former wife to the second parents-in-law. Otherwise he shall neither obtain the second wife nor his bridal presents, because he has wrongfully brought disgrace on her family by false representation.

[Substantially the same as Kaingza.]

Râsl.

[Substantially the same as Kaingza.]

Manu-  
vannara.



Pānam. [Substantially the same as Vannadhamma.]

Warulinga. [Substantially the same as Vannahdamma.]

#### SECTION 92.

#### THE RIGHT OF ADOPTIVE PARENTS TO GIVE IN MARRIAGE A CASUALLY ADOPTED DAUGHTER.

Râst. A slave or servant girl belonging to one person is adopted by another with the knowledge and consent of the former. When she attains maturity the adoptive parents shall have the right to give her away in marriage after accepting bridal presents; and such right shall not be questioned by the former master.

#### SECTION 93.

#### SLAVES REPRESENTED AS FREE-BORN AND GIVEN IN MARRIAGE AS SUCH, CANNOT SUBSEQUENTLY BE CLAIMED BY THEIR MASTERS.

Mānussika. If slaves are represented as free-born and given in marriage as such after bridal presents have been accepted, their masters shall not subsequently claim them again as their slaves who shall be manumitted. If the masters claim them again as their slaves, they shall be liable to punishment because they have taken bridal presents.

Pyu. If a slave girl is represented as free-born and given in marriage to a free born man after accepting bridal presents from him, her masters shall not subsequently claim her as their slave. She is emancipated from slavery on account of her masters receiving bridal presents at her marriage.

If a person liberates a slave in expressed terms in the presence of witnesses, he shall not subsequently claim the manumitted slave again. If he does so, he shall be liable to be punished criminally and to pay one hundred ticals of silver as compensation.

Vilāsa. If, after accepting bridal presents, the masters give their slaves in marriage to free-born persons representing them as free born, they shall not again claim them as their slaves after the latter have prospered and have begotten children and grandchildren. They shall be emancipated and their masters shall be liable to pay them compensation.

Myingun. If a slave girl is represented as free-born and given in marriage to a free-born man after accepting bridal presents from him, her master shall not subsequently claim her as his slave, and he shall be liable to pay compensation if he does so. She is emanci-



pated from slavery, because her master has received bridal presents at her marriage.

If a person publicly liberates a slave in the presence of witnesses, he shall not claim the manumitted slave again. If he does so, he shall be liable to pay one hundred ticals of silver as compensation.

If, after giving bridal presents or after accepting them, the parents give their adopted slave children in marriage to free-born persons representing them as free-born, they shall not again claim them as their slaves after the latter have prospered and obtained children and grandchildren. They shall be emancipated ; and their parents shall, in the event of such claim, be liable to pay them compensation. Four Dhammathats lay down exactly the same rule. Dhamma-  
thatkyaw.

When slaves are given in marriage by their masters who disown them, they shall not subsequently be claimed as slaves. In the event of such claim, the masters shall be liable to pay compensation in such amount as may be claimed by the latter. Dhamma.

When slaves are publicly given in marriage by their masters who disown them, they shall not be subsequently claimed as slaves when they have prospered and have obtained children and grandchildren. They shall be free ; and their masters shall, in the event of such claim, be liable to pay them compensation in such amount as may be claimed by them. Manugyè.

[Substantially the same as Vilâsa.]

Vannanâ.

[Substantially the same as Vilâsa, except that the following two stories are added in support of the rule.] Râst.

Once a rich man's daughter at Râjagraha eloped with one of his slaves. Notwithstanding this, her father subsequently ratified the union and took charge of her two sons Mahâpandaka and Cûlapandaka.

Intending to give his daughter Sujitâ in marriage to one of his race, the king of the *Asûras* assembled all his subjects. The Thagyamin came in disguise as an *Asûra*, and, in the presence of Sujitâ's father, suddenly carried her away. She became one of the Thagyamin's queens, although her father did not approve of the marriage.

[Substantially the same as Vilâsa.]

Ditto.

[The same as Pyu.]

Sônda.

The master represents his slave as his daughter and gives her in marriage as such. He shall not, after she has had children, claim her again as his slave. She shall be emancipated, and the master shall be liable to pay compensation if he claims her subsequently. Manu.



Pāṇāṁ. The master represents his slave as free-born and publicly gives her in marriage after taking bridal presents. He shall not subsequently claim her as his slave when she has prospered and has children and grandchildren. If he does so, he shall be liable to pay compensation.

Kyetyo. [Substantially the same as Vilāsa.]

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SECTION 94 TO 97. [Omitted.]

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SECTION 98.

IF, AFTER ACCEPTANCE OF BRIDAL PRESENTS, BUT BEFORE MARRIAGE, THE BETROTHED PARTIES HAVE SEXUAL INTERCOURSE, THEY BECOME HUSBAND AND WIFE.

Kyannet. The parents betroth their daughter to a man and make him serve them. If, before marriage, the betrothed parties have sexual intercourse, they become husband and wife.

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SECTION 99.

IF THE PARENTS CONNIVE AT THE INTIMACY, IN THEIR OWN HOUSE, BETWEEN THEIR DAUGHTER AND HER SUITOR, THEY SHALL NOT SUBSEQUENTLY REFUSE TO RECOGNIZE THE UNION.

Mānussika. If the parents connive at the intimacy, in their own house, between their daughter and her suitor, they shall not give her in marriage to another man.

Waru. O great king! If the parents connive at the intimacy, in their own house, between their daughter and a man living with them, they shall give her in marriage to him. If they refuse to do so, they shall give him her *kobo* as compensation. So says Manu.

Kungya. If the parents connive at the intimacy, in their own house, between their daughter and her suitor, their connivance shall amount to consent, and a child born of such union shall not be considered as the offspring of a casual union.

Myingun. [Substantially the same as Mānussika.]

Dhamma. [Substantially the same as Mānussika.]

Manugye. If the parents or guardians of a girl connive at the intimacy, in their own house, between her and her suitor, they shall not restore her hand to another man.

Manuyin. If the parents connive at the intimacy, in their own house, between their daughter and her suitor, they shall be held to have given



their consent by implication, and shall not subsequently withhold their expressed consent to the union.

Manu and Mānussika Dhammathats lay down that, if either parent or both parents connive at the intimacy between their daughter and her suitor, they shall give her in marriage to him and to no other. Vinicchaya.

\*NOTE.—The rule as laid down above differentiates between two cases. In one the connivance of one of the parents is sufficient for the application of the rule, while in the other that of both the parents is necessary for its application. But, according to Manusāra, it appears that the connivance of the father is the principal desideratum in the application of the rule.

The connivance of both parents or of the father alone at the intimacy between the daughter and her suitor, shall be a legal bar to their giving her in marriage to any other man, but the connivance of the mother alone shall have no such legal consequence. Pakāsant.

[Substantially the same as Manuyin.]

Vicchedant.

Without a formal betrothal, a man has sexual intercourse with a girl while rendering his services to her parents. They shall not subsequently refuse to recognize the union, because they shall be presumed to have known of the intimacy between their daughter and the man by having permitted him to render his services to them.

[Substantially the same as Mānussika.]

Pāpam.

If the parents connive at the intimacy, in their own house, between their daughter and her suitor, he shall obtain her to wife. Kungya-linga.

[Substantially the same as Waru.]

Warulinga.

If a man has clandestine intercourse with a girl with her parents' connivance, he shall obtain her to wife. Kyannet.

#### SECTION 100.

IF, AFTER ACCEPTANCE OF BRIDAL PRESENTS BUT BEFORE MARRIAGE, THE BETROTHED PARTIES ELOPE, THE GIRL'S PARENTS HAVE THE RIGHT TO DEMAND THE RESTORATION OF THEIR DAUGHTER EVEN AFTER THE BIRTH OF CHILDREN.

The parents accept bridal presents from a man, but delay to give her in marriage to him. She, however, elopes with him. Her parents can take her back even after the birth of a child. Dhamma-thatkyaw.

A man gives bridal presents to the parents of a girl and serves in their house, but they delay the marriage. In consequence of the delay she elopes with him. Her parents can take her back, even though she may have borne ten children. Kyetyo.



## SECTION 101.

THE STORY OF THE STUDENTS OF TAKKASÎLA WHO PREFER  
CONFLICTING CLAIMS TO THE SAME WOMAN.

Cittara. While five students were once returning from Takkasîla, one of them who was versed in the Vedas and could divine events by observing certain signs and omens, informed his comrades that a princess was being carried off by a bird of prey. The second student, who possessed the power of shortening distances rendered his assistance so that the bird and its prey were brought within a short distance from them. The third, who was an expert with the bow, shot the bird down. The fourth, who was an expert diver rescued the lifeless body of the princess from the water into which she fell on her release from the bird. And the fifth, who could resuscitate the dead, exercised his powers and brought the princess to life again. Then she became an object of contention among them all. They repaired to a wise man to have the matter decided, and his decision was as follows :—

. The man who rescued the princess from the water was permitted to obtain her to wife, because, he was the only person who had personal contact with her. The rest were allowed to share her *kobo* equally among them, and the man who brought her to life was given the price of her life in addition to his share in the *kobo*.

Ditto. A painter once painted a life-like portrait of a young woman of surpassing beauty on a wooden board. From that a sculptor improvised a perfect statue. Then a man who possessed the miraculous power of quickening inanimate objects transformed the statue into a living being. Lastly, she was dressed by a fourth man. Each of the men claimed her for his wife and their contention was settled in the following manner :—

The painter and the sculptor were each given the cost of the materials they used and the price of their labour; the man who possessed the miraculous power was given her *kobo*, while the man who dressed her was permitted to obtain her to wife.

Ditto. Once a princess was carried off by a bird of prey and deposited on the fork of a tree surrounded by water. There were, at that time, four students at Takkasîla. One of them knew the occurrence by observing certain signs and omens and informed his companions about it. The second student procured a boat and rowed to the tree from which the third took her down, and the fourth brought her to life again. In the subsequent dispute which arose among them as



to who should possess her, it was decided that the man who gave the information should get half her *kobo*; he who procured the boat a suitable share out of the same; he who brought her to life her *kobo* in full; while the man who took her down from the tree was permitted to obtain her to wife.

## CHAPTER VIII.

### ILLICIT INTERCOURSE.

SECTIONS 102 to 125. [Omitted.]

#### SECTION 126.

THE PARENTS AND RELATIVES SHALL NOT FORBID THE REMARRIAGE OF A WIDOW OR DIVORCEE.

If a widow or divorcee desires to marry a man of her choice with Dhamma, or without the knowledge of her parents or guardians, she is at liberty to do so; they shall not forbid the marriage.

The parents or guardians of a widow or divorcee shall not forbid Manugye her marrying a man of her choice. A woman who has once been married is emancipated from the control of parents or guardians, and is at liberty to marry again any man of her choice. Their consent to a marriage is essential only in the case of spinsters.

A woman who has been married once is at liberty to marry again Rajabala any man of her choice. Her guardians shall have no right to interfere. But in the case of a spinster they can exercise such right.

There is some misunderstanding in the case of the word *eingdaunggyi*. A woman who has been married once is an *eingdaunggyi*, and she is free from all control. A spinster, who is under the control of a guardian, becomes an *eingdaunggyi* if she has sexual intercourse with a man, and she is then emancipated from the control of the guardian. The age of a woman is immaterial in determining whether she is an *eingdaunggyi* or not. If she has never been married, she is considered a spinster and not an *eingdaunggyi*, though she may be advanced in years. On the other hand, if she has once been married, she becomes an *eingdaunggyi*, though she may be still young in years.

NOTE.—Various interpretations have been given to the passage, and the wise should therefore be guided by the majority of decided cases.



Dhamma-  
sāra.

A widow or divorcee commits no offence if she has sexual intercourse with a bachelor.

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SECTIONS 127 to 135. [Omitted.]

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SECTION 136.

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A PREGNANT WOMAN CLAIMS AS HER HUSBAND ONE OUT OF SEVERAL MEN WHO HAD SEXUAL INTERCOURSE WITH HER.

Yazathat.

The month in which the woman conceived must first be ascertained. Then careful enquiry should be made as to the number of days which elapsed between the cessation of her monthly course and the sexual connection which she subsequently had with the man whom she alleges to be the father of her child. The same enquiry should be made with respect to the other man who had intercourse with her. If such enquiry leads to the conclusion that the reputed father cannot in reality beget the child, he shall not be compelled to become the husband of the woman. She shall make good all expenses incurred by him and shall also pay the cost of the legal proceedings.

Rāsi.

Three men had sexual intercourse with the same woman. After conception she claims as her husband one of them who is well connected and is of a better standing socially and financially than the rest. He alleges that two other men besides him had intercourse with her, and the allegation is admitted by the men as well as by the woman. The question is who shall be deemed her husband. Decision shall be deferred till after confinement, and when the child is in its tenth month likeness of features between the child and one of the men may help to decide the question. If that test fails, the blood from the right index-finger of the child and of each of the three men should be obtained. Then the child's blood should be dropped side by side with that of each of the men into three separate basins containing clear water. It will then be observed that the blood of the man who is the father of the child will readily mix with the child's blood. It is this man who shall become the woman's husband.

In the work on the law relating to marriage compiled by Judge Manurāja at the instance of King Thalunmindayagi, builder of the Rājamunicūlā pagoda, it is stated that the above was a decision made by Minthawunletya.

Of the seven cases decided by Manu Amat, the fourth was that of the rival claims of two men for the paternity of a child born of a woman with whom both had sexual connection. In that case the judge asked the woman as to which of the two she loved better; and



on her naming the man, it was found that the child had features resembling that man. The judge decided that he should be deemed the father of the child. The above is found in one of the original Dhammathats.

The following story occurs in the sacred writings, namely, in the *Katthahārika jātaṅga* :—

One day while enjoying himself in his royal gardens the king of Benares cohabited with a girl who had come to gather some firewood. On her subsequently informing him of her condition he gave her his ring and told her that she could maintain herself and child therewith if she gave birth to a daughter, but that in the event of her giving birth to a son she was to bring the child and the ring to him. In due course she gave birth to a son who was an embryo Buddha. On his reaching an age when he could make a decent appearance in court, his mother presented him to the king together with the ring. Happening to be in full audience at the time, the king, through shame, refrained from admitting his paternity and acknowledging the ring as his. There being no witnesses to produce and no higher authority to appeal to, the child's mother made an asseveration, saying, that if the child were not the king's son he might fall down and perish, but that if her allegation were true he might remain suspended in the air. She then throw her child aloft and he remained suspended in the air reciting the following verses: "O great king! I am thy son, and thou shouldst cherish and bring me up. Thou hast cherished and brought up even strangers, so why shouldst thou not do the same to me, who am thy son?" The king and the ministers and other officials present stretched out their arms to receive him and he alighted gently on to the hands of his father, the king. The mother was forthwith raised to the dignity of a queen, and the son to that of a royal prince.

The following four classes of sons are enumerated in the same *jātaṅga*, namely:—

A son begotten and known as *atraja*; a son not begotten but found placed by supernatural agency in one's bed or couch or any thing which one owns, and known as *khettaja*; a pupil adopted by his teacher and known as *antevāsika*; and a son adopted by others being given away by his own parents, and known as *dinnaka*.

If a woman who is pregnant alleges that one of a number of men Rajabala. who had sexual intercourse with her is the father of the child, she should prove her allegation, if it is denied by the man. If she fails to substantiate her statement she shall not claim him as her husband. She shall, moreover, pay all costs incurred by him. Thus should the wise decide.



## SECTION 137.

## THE CONFLICTING CLAIMS OF THREE WOMEN TO ONE MAN.

**Yazathat.** If a man who had sexual intercourse with three women refuses to take to wife all or any of them, he shall pay his *kobo* to them as compensation. If he marries one of them, the other two shall be similarly compensated.

**Rāsi.** If each of three women claims the same man as her husband, he shall be freed from the responsibility of accepting any of them if they all reside in the same locality and have ample opportunity of ascertaining his character and conduct. If he takes one of them to wife, he shall pay his *kobo* to the other two as compensation. He is, however, at liberty to marry all of them. The woman with whom he fell in love first and who is of a better parentage, and of a higher social status than the other two, shall be made the chief wife. Of the remaining two the one who is of a higher social standing than the other shall be made the second wife, and the third woman who is inferior to the others in social position shall be the third wife. This rule permitting the man to take to wife all the three women is laid down in accordance with such rules as are found as follows in the Dhammathats.

There are four classes of wives, namely :—

(1) The daughter of an official, (2) the daughter of a wealthy man, (3) the daughter of a trader, and (4) the daughter of a commoner. In the partition of inheritance among them and their children on the death of their husband, the ruler's or official's daughter gets four, the wealthy man's daughter two shares, the trader's daughter one share and a half, and the commoner's daughter one share. According to Manosāra the four classes of wives are :—

(1) A ruler's daughter, (2) a Brahman's daughter, (3) a minister's daughter, and (4) a wealthy man's daughter. In the partition subsequent to their husband's death the first gets three shares, the second two, the third one share and a half, and the fourth one share. According to Dhammavilāsa there are six classes of wives, namely :—

(1) A ruler's daughter, (2) a Brahman's daughter, (3) a minister's daughter, (4) a wealthy man's daughter, (5) a trader's daughter, and (6) an agriculturist's daughter, and their respective shares on the partition of their husband's property are four, three, two, one-and-a-half, one, and a half.

**Rājabala.** Each of three women claims the same man as her husband ; if he desires to take to wife only one of them, he shall pay his *kobo* to



the other two, and if he marries two of them he shall pay the same to the remaining woman.

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SECTION 138.

THE CONFLICTING CLAIMS OF TWO OR THREE MEN TO ONE WOMAN.

Several men had sexual intercourse with the same woman and *Kungya*. each claims her as his wife. He whom she prefers shall obtain her, because, although she had sexual intercourse with all of them, she loves him alone. Such preference may be due to their having performed meritorious deeds jointly in their previous existences, and probably they might have been also husband and wife then.

If a number of men each claim the same woman as his wife, he *Rājabala*, whom she prefers shall obtain her, and he shall pay the costs of the suit. Thus should the wise decide.

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SECTION 139.

A HANDSOME YOUNG BACHELOR BEING ILL, THREE WOMEN WHO ARE IN LOVE WITH HIM ATTEND ON HIM DURING HIS ILLNESS.

During the illness of a handsome young bachelor, three women, *Rāsi*, each with a view to matrimony, render their services to him. The first gives a viss of silver for medical attendance, the second supplies him with food, while the third serves him personally washing his soiled clothing and preparing his food. Of these women the last shall obtain him as her husband.

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SECTION 140.

A WOMAN CLAIMS AS HER HUSBAND ONE OUT OF SEVERAL MEN WHO HAD SEXUAL INTERCOURSE WITH HER.

A woman who had sexual intercourse with several men, claims *Kungya*. one of them as her husband; he cannot refuse to have her on the ground that he is not the only man who had intercourse with her. If he objects to the union he shall pay her thirty ticals of silver. Since he had intercourse with her, knowing that she is intimate with another man, and therefore seduced her from the latter, he cannot be entirely free from liability. He whom the woman claims shall take her to wife; and if he objects to do so, he shall pay her compensation.



Yazathat.

Although a woman may have had sexual intercourse with several men, only he whom she claims as her husband shall take her to wife. He shall also pay thirty ticals of silver towards the cost of the suit. The woman shall not be liable to pay any compensation. On the other hand she has the right, which she may or may not choose to exercise, to claim compensation from any or all of the men who were intimate with her. He whom she claims as her husband shall take her to wife after paying the costs of the suit. If he objects to do so, he shall pay her compensation according to the gravity of the offence.

Rajabala.

A woman had sexual intercourse with several men, but claims only one of them as her husband. If he pleads that he is not the only man who had intercourse with her, he may be excused from the liability to pay compensation, but shall be obliged to take her to wife. If he objects to do so, he shall pay her compensation according to the gravity of the offence.

Kungya-  
linga.

A woman had sexual intercourse with several men, but claims only one of them as her husband. He shall not plead that he is not the only man who had intercourse with her, but shall take her to wife. The other men shall be debarred from claiming any compensation from the man who is chosen by the woman for her husband.

## SECTION 141.

A WOMAN CLAIMS AS HER HUSBAND ONE WHO HAS HAD SEXUAL INTERCOURSE WITH HER ON PAYMENT.

Waru.

If a woman permits a man to have sexual intercourse with her after accepting payment from him, she shall not subsequently claim to have him for her husband, or to receive compensation from him. The reason is that she has received payment.

Panam.

A woman had sexual intercourse with a man after receiving payment. If she subsequently claims him as her husband, it shall be disallowed, and she shall be liable to restore the money given by him.

Warulinga.

[Substantially the same as Waru.]

## SECTION 142.

A MAN WHO HAS HAD SEXUAL INTERCOURSE WITH A GIRL AFTER GIVING HER PRESENTS OF MONEY AND PROPERTY, IS STILL LIABLE TO COMPENSATION IF HER PARENTS INSTITUTE PROCEEDINGS AGAINST HIM.

Waru.

If the parents of a girl institute proceedings against a man who had sexual intercourse with her after giving her presents of money,



slaves, &c., he cannot plead such payment as an excuse, but shall still be liable to pay compensation. The reason is that he has seduced her. So says Manu, the Rishi.

If a married man gives any presents to an unmarried woman he shall not recover them subsequently. Myingun.

[Substantially the same as Waru.]

Warulinga.

SECTION 143.

A MAN ELOPES WITH A WOMAN, BUT SUBSEQUENTLY EITHER OF THEM REFUSES TO MARRY THE OTHER.

A man elopes with a girl because her parents disapprove of the match. If he subsequently repudiates her, he shall pay her his *kobo*. Myingun.

If a man elopes with a woman and subsequently refuses to marry her, he shall pay her his *kobo*. If, before paying compensation, he changes his mind and desires to marry her, he can do so only with her consent. If she does not consent, he shall pay her his *kobo*. Dhamma.

If a man elopes with a woman and subsequently refuses to marry her, he shall pay her his *kobo*. If, before paying compensation, he changes his mind and wishes to marry her, he can do so only with her consent. She is under no obligation to become his wife, and he shall not obtain her if she refuses to accept him, but shall pay the *kobo* all the same. Manugyô.

If a man elopes with a girl and subsequently refuses to marry her, he shall pay her his *kobo*. Manuyin.

If a man who elopes with a girl refuses to marry her, he shall be adjudged liable to pay his *kobo* as compensation. He shall not obtain her, even if he subsequently desires to marry her. Râsi.

A man elopes with a girl. If, after they have had sexual intercourse, she refuses to marry him, she shall pay him his *kobo*. Another rule is that she shall pay him her *kobo*. If, on the other hand, the man refuses to marry her, he shall pay the costs of the suit and shall leave with her the whole of their joint property. Vinicchaya.

[Substantially the same as Vinicchaya.]

Pakâsanî.

If a man who elopes with a girl desires to repudiate her, he shall pay her his *kobo* as compensation. Vicchedant.

If a man elopes with a girl and subsequently refuses to marry her, he shall pay her his *kobo*. If, during the pendency of the suit, he promises to marry her, she is at liberty to refuse to marry him, but then she shall obtain only her *kobo*. Manu.



## SECTION 144.

A WOMAN ELOPES WITH A MAN, BUT SUBSEQUENTLY RETURNS TO HER PARENTS ; THE PARENTS ARE DEBARRED FROM PREFERRING A CRIMINAL CHARGE AGAINST THE MAN, WHILE THE LATTER'S CLAIM TO THE WOMAN IS LIKEWISE INADMISSIBLE.

Dhamma. A man elopes with a girl who is under the guardianship of her parents, but she returns to them subsequently. The parents are debarred from preferring a criminal charge against the man, and his claim to the girl is likewise inadmissible.

Manugyè. [Substantially the same as Dhamma.]

Manu. [Substantially the same as Dhamma.]

## SECTION 145.

ALTHOUGH A DAUGHTER MAY HAVE BORNE TEN CHILDREN AFTER ELOPEMENT, HER PARENTS HAVE STILL THE RIGHT OF GIVING HER IN MARRIAGE.

Mānussika. If a daughter elopes with a man, her parents have still the right of separating her from him, although she may have borne ten children.

Ditto. If a daughter elopes with a man and subsequently returns to her parents, they can separate her from him and give her in marriage to another man, although she may have borne ten children.

Pyu. If a daughter elopes with a man because her parents disapprove of her marrying him, they still have the right to separate her from him, and give her in marriage to any man whom they approve of, although she may have obtained ten children.

Villāsa. If a young couple elope because the parents of the girl do not consent to the marriage, the parents still have the right to separate her from him, although she may have obtained ten children. A man cannot get a girl to wife if her parents do not consent to the marriage. The same rule holds good if the girl is enticed away by a young man.

Waru. O great King ! If the parents of a girl do not approve of the husband of her choice, she shall not live with him, though she may have obtained ten children. So is the rule laid down in the Dhammathats.



If a daughter elopes with a man, her parents may take her back *Kungya*. from him, and he has no right to protest, although she may have obtained ten children. The children are classed as casually begotten and are owned by the grandparents.

If a man elopes with a girl, and if her parents do not subsequently *Myingun*. ratify the union, she cannot become his wife, although she may have given birth to ten children; and her parents may give her in marriage to another man.

Although a daughter may have borne ten children after elope- *Dhamma-*ment, if her parents do not ratify the union, the man with whom she *thatyaw*. eloped has no claim on her; they still have the right to give her in marriage to another man.

If a man elopes with a girl who is under the guardianship of her *Dhamma*. parents, they still have the right to separate her from him, although she may have obtained ten children.

If a man elopes with a girl who is under the guardianship of her *Ditto*. parents, they still have the right to give her in marriage to another man, although she may have borne ten children.

Although a daughter may have borne ten children after elope- *Manugyè*.ment, her parents still have the right to separate her from the man with whom she eloped, and give her in marriage to another man. The former shall not claim her as his wife, because a daughter is under the control of her parents.

The following case is an instance of divorce without mutual con- *Ditto*. sent. If a daughter elopes with a man, her parents have the right to separate her from him, although she may have borne ten children and although she and the man do not desire the separation.

[Substantially the same as the first extract from *Mānus-Vaṇṇa-*  
*sika*.]

If a man elopes with a girl, and if her parents do not approve of *Manuyin* the union, they have the right to take her back and give her in marriage to another man, although she may have obtained ten children.

[The same as *Vilāsa*, except that the following story is *Rāśī*.  
added in support of the rule.]

A rich man, who was the embryo Buddha, once lived in a suburb of Benares. He had a son who was to be given in marriage to the



daughter of a rich man in the city. Before the day appointed to solemnize the marriage arrived, the bride saw people treat with great respect the chief bull in her father's herd and conceived the wrong impression that the bull must have commanded such respect because it had a hump larger than those of the rest of the bulls. With that impression in her mind she saw a hump-backed man and inferring that he who had the hump must, like the chief bull she had seen, be a nobleman, made love to and eloped with him. Her prospective father-in-law overtook her on the way, separated her from the hump-backed man and married her to his son. This story is related in the *Vināḡuna jāṭaka*.

**Vicchedant.** The parents have the right to take back their daughter who eloped with a man, although she may have borne ten children.

**Sōnda.** [The same as Pyu.]

**Manu.** If a man elopes with a girl, her parents have the right to separate her from him if they do not wish to recognize the union, although she may have obtained ten children.

**Ditto.** If the guardians of a girl take offence at the sexual intercourse between her and a young man and sue him for damages, he shall compensate them and pay the costs of the suit.

**Pānaṃ** If a daughter marries a man without her parents' consent, they have the right to take her away from him, although she may have borne ten children. But they cannot exercise such right after a change of kings.

**Kungya-linga.** If, after elopement, any of the twelve classes of the girl's guardians claim to recover her on the ground that she was enticed away and seduced, she shall be restored to them.

**Warulinga.** If a girl marries a man without the knowledge or consent of her parents, he is not legally recognized as her husband, although she may have borne ten children. If the marriage is with their knowledge or consent he shall obtain her, although he may be deformed, or a slave, or one who does not belong to the service of the State.

**Kyetyo.** [Substantially the same as the first extract from *Mānusiṅka*.]

**Kyannet,** [Substantially the same as the first extract from *Mānusiṅka*.]



# SECTION 146.

THE PARENTS ARE NOT ENTITLED TO CLAIM THE RECOVERY OF THEIR DAUGHTER AFTER ELOPEMENT, IF SHE HAS BEEN LIVING IN THE SAME LOCALITY AS THE PARENTS, IF NO. SUCH CLAIM HAS PREVIOUSLY BEEN MADE, AND IF SHE HAS GIVEN BIRTH TO TWO OR THREE CHILDREN.

After elopement, the young couple live in the same town in Dhamma, which the girl's parents live or in its neighbourhood; the parents are debarred from recovering their daughter, if she has already given birth to two or three children.

After elopement the young couple settle down in the same village Manugyè. in which the girl's parents live or in its neighbourhood; the parents are not entitled to separate their daughter from the man with whom she eloped, if five or ten years have elapsed after her settlement near them with their knowledge, or if she has given birth to two or three children after such settlement.

The parents, knowing that their daughter who had eloped with Manu. a man has settled down in the same locality in which they are living or in its neighbourhood, take no steps whatever to recover her for five years or till she has given birth to two or three children. Then they shall not be entitled to separate her from him.

If the parents of a girl who eloped with a young man make no Kungya- objection, the young couple shall continue to live as man and wife. linga.

The parents of a girl who eloped with a man shall be debarred Kyannet. from giving her in marriage to another man if five or twelve months have elapsed after elopement, and the young man has given compensation.

# SECTION 147.

IT IS INCUMBENT UPON THE PARENTS OF A YOUNG MAN TO RESTORE, THREE TIMES, TO HER PARENTS THE YOUNG WOMAN WITH WHOM THEIR SON HAS REPEATEDLY ELOPED.

If a young couple elope because the girl's parents object to the Dhamma. union, the parents of the young man shall restore her to her parents. If she has been restored thus three times after repeated elopements, her parents shall have no right to demand her restoration if she elopes again for the fourth time. If, however, at the request of outsiders the parents of both consent to recognize the



union, the wedding expenses of the couple shall be borne by the parents of the young man. Subsequent to the marriage, whoso desires to repudiate the other, shall pay his or her *kobo* to that other.

Manugyè.

If a girl elopes with a young man, let him restore her to her parents three times. If she has been restored three times, there shall be no cause of action against the young man or his parents if she elopes with him again, because her parents cannot control her. As the girl is a consenting party the young man cannot be prosecuted for abduction. If, in the event of his being prosecuted for abduction after she has been restored to her parents, it is decided that the young couple shall live together, and if they choose to do so, they shall become man and wife, and the wedding expenses shall be borne by the parents of the young man. After such decision, whoso refuses to live with the other shall pay his or her *kobo* to that other. If they mutually desire to separate after they have lived as man and wife, they shall share the legal expenses equally, and each shall take whatever belongs to him or her. If the husband alone desires the separation, he shall leave the whole of his property to her, or if the wife alone is desirous of separation, she shall leave all her possessions to him. Debts shall be liquidated by the one who is in fault.

Râjabala.

If a young man is intimate with a girl in spite of her parents' protest (and elopes with her), his parents shall restore her to her parents three times. Then her parents shall not accuse the young man of abduction. If he is so accused and prosecuted and it is decided that the young couple shall live as man and wife, the wedding expenses shall be borne by the parents of the young man. Again, if after the wedding expenses have been incurred and they have been married, either of them desires a divorce, the one so desiring shall pay his or her *kobo* and shall also bear the legal expenses.

Manu

If a young man elopes with a girl, his parents shall restore her to her parents three times. If she elopes again for the fourth time, her parents cannot demand her restoration; and if, in the event of their instituting legal proceedings before that, the judge decides that the young couple shall become man and wife, the legal expenses shall be borne by the young man's father and paid to the judge.

Pânam.

If a girl has been restored three times after successive elopements, her parents cannot demand her restoration after the fourth elopement.



### SECTION 148.

WHEN AN ELOPEMENT TAKES PLACE THROUGH THE INTERVENTION OF A GO-BETWEEN, SUCH GO-BETWEEN, AND NOT THE PARENTS OF THE YOUNG MAN, SHALL BE HELD RESPONSIBLE FOR THE RESTORATION OF THE YOUNG WOMAN TO HER PARENTS.

If a daughter elopes with a young man through the intervention *Pāṇam* of a go-between, her parents shall demand such go-between and not his parents to restore her to them.

### SECTION 149.

A YOUNG MAN AND A YOUNG WOMAN HAVE CLANDESTINE INTERCOURSE; IF THE PARENTS OF THE LATTER DISAPPROVE OF THE SUBSEQUENT UNION, THEY SHALL NOT BE COMPELLED TO GIVE THEIR DAUGHTER IN MARRIAGE, BUT THE PARENTS OF THE YOUNG MAN ARE NOT AT LIBERTY TO WITHHOLD THEIR CONSENT TO THE MARRIAGE.

If a young man and a young woman have clandestine intercourse, *Dhamma* the parents of the latter shall not be compelled to give their daughter in marriage should they disapprove of the union, but the parents of the former are not at liberty to withhold their consent to the marriage. If the young man repudiates the young woman he shall pay her his *kobo*; if, on the other hand, she refuses to accept him, she shall not be compelled to pay any compensation. The rule applies when the parties belong to the same class, *i.e.*, when both belong to the poor or to the wealthy class.

[Substantially the same as *Dhamma*.]

*Manugyè*.

[Substantially the same as *Dhamma*.]

*Manu*.

### SECTION 150.

A BACHELOR HAS CLANDESTINE INTERCOURSE WITH A PREVIOUSLY MARRIED WOMAN; IF THE PARENTS OF THE FORMER DO NOT APPROVE OF THE SUBSEQUENT UNION, THEY MAY WITHHOLD HIM FROM RATIFYING IT.

If a bachelor has clandestine intercourse with a previously married woman, his parents are at liberty to withhold their consent to the subsequent union. *Cittara*.



## SECTION 151.

BRIDAL PRESENTS ARE GIVEN TO THE PARENTS OF A GIRL BY ONE MAN, BUT ANOTHER ELOPES WITH HER ; THE PARENTS DIE IN THE MEANTIME ; THE MAN WHO ELOPED WITH THE DAUGHTER SHALL RESTORE THE PRESENTS GIVEN BY THE OTHER MAN.

Manu-  
vanānā. The parents of a girl accept bridal presents from one man, but before the day appointed for the marriage she elopes with another man. If her parents die before the presents are restored, the latter shall restore all the presents given by the former. He shall, however, retain the girl because he had sexual intercourse with her.

Pānam. The parents of a girl who eloped with a man die before they have restored the bridal presents to another man from whom they have accepted them. He with whom the girl eloped shall restore all the presents to him who gave them, but shall retain her.

Kyetyo. The parents of a girl accept bridal presents from one man, but before marriage she elopes with another man. If her parents die before the presents are restored to the former, the latter shall make good the presents ; and the couple who eloped shall become man and wife.

## SECTION 152.

A *RAHAN* HAS SEXUAL INTERCOURSE WITH A WOMAN ; HER PARENTS MAY GIVE HER IN MARRIAGE TO ANOTHER MAN IF THEY DO NOT APPROVE OF THE UNION.

Kyannet. A *rahan* is intimate with a girl who is under the protection of her parents who do not connive at the intimacy though cognizant of it. If they give her in marriage to another man the *rahan* shall have no right to claim her as his wife. Because, the rules of the Order do not permit a *rahan* to take a wife, or to own a slave, or to borrow or lend money.

## SECTIONS 153—156. [Omitted.]

## SECTION 157.

AFTER GIVING BRIDAL PRESENTS TO THE PARENTS, A MAN TAKES LIBERTIES WITH THE DAUGHTER WITHOUT HER CONSENT.

Pānam. If, after giving bridal presents to the parents of a girl, a young man takes liberties with her without her consent, he shall pay fifteen ticals of silver as compensation.



SECTION 158.

UNDUE LIBERTIES ARE TAKEN BY A SUITOR WITH A WOMAN  
TO WHOSE PARENTS HE HAS MERELY COMMUNICATED A  
PROPOSAL OF MARRIAGE.

A young man communicates a proposal of marriage to the par- Vilāsa.  
ents of a girl. If, before she has seen or known him, he takes liber-  
ties with her without her consent, he shall pay her fifteen ticals of  
silver as compensation. But if she has spoken to him or offered him  
betel and pickled tea, her consent shall be assumed and no com-  
pensation shall be given.

Although a young man may have communicated a proposal of marriage to the parents of a girl, he is not privileged to take liber- Dhamma-  
ties with her without their consent, especially when he is a stranger thatkyaw.  
from a distant place. If he does so, he shall pay her fifteen ticals  
of silver. But if she has spoken to him or offered him betel and  
pickled tea, he shall not be liable to pay compensation.

If a young man takes liberties with a girl in spite of her rejection Vannanā.  
of his addresses, he shall pay half the usual damages (i.e., fifteen  
ticals of silver). But if she favours his suit, there shall be no cause  
of action.

[ Substantially the same as Vilāsa.]

RAsl.

A young man makes a proposal of marriage to a girl with suitable Manu-  
presents. If, before she favours his suit, he takes liberties with vappanā.  
her, he shall pay fifteen ticals of silver.

A young man shall not take liberties with a girl (without her con- Kyetyo.  
sent) whether or not he has made a proposal of marriage with pre-  
sents of fruits or flowers. If he does so, he shall pay her fifteen  
ticals of silver; but if her consent was obtained, there shall be no  
cause of action.

SECTIONS 159—186. [Omitted.]

CHAPTER IX. [Omitted.]

CHAPTER X.

RELATIONS BETWEEN HUSBAND AND WIFE.

SECTION 208.

THE FIVE DUTIES OF THE HUSBAND TOWARDS THE WIFE.

As between husband and wife, each has five kinds of duties to RAsl.  
perform towards the other. The husband's duties are:—



(1) To avoid harsh language and to use endearing terms in addressing the wife; (2) to avoid behaving towards her in an overbearing manner as if she were a servant or a slave; (3) to remain faithful to her; (4) to accord her a free hand in the control and management of the house; and (5) to provide her with proper clothes and ornaments.

Feminine nature is such that if a woman is not permitted to manage the house and prepare the meals she gets annoyed, although she may be provided with the best dresses and ornaments. So the Buddha who knew this taught that women should be allowed the management of the house

Dhamma-  
sāra

The five duties of the husband towards the wife are—:

(1) Speaking to her in affectionate terms, (2) treating her with kindness and tenderness; (3) proving faithful to her by not seeking to consort with other women; (4) entrusting to her keeping the whole of the property acquired; and (5) providing her with such dress and ornaments as please her fancy.

Cittara.

The five duties of the husband towards the wife are :—

(1) Treating her kindly and lovingly; (2) not ill-treating her as he would a slave, but showing her every regard; (3) remaining faithful to her by not seeking lesser wives or concubines; (4) placing her in entire charge of the whole of his property; and (5) providing her with dresses and ornaments commensurate with his means.

## SECTION 209.

### THE FIVE DUTIES OF THE WIFE TOWARDS THE HUSBAND.

Mānussika.

Rising from bed before the husband rises; retiring to bed after he has done so; taking his instructions for her day's work; speaking to him in an affable and pleasant manner; and doing her duty without regard to the inclemencies of the weather. These are the five ways by which a woman can attend to her husband's welfare; and, for a woman, no work of merit is greater than that of attending on her husband. Therefore, all good women should respectfully attend on their husbands.

Manugyè.

Rising from bed before the husband rises; retiring to bed after he has done so; taking his instructions for her day's work, carrying out his behests according to his wishes; speaking to him in a pleasant and affectionate way, and providing against the inclemencies of the weather for the husband's comfort. In these ways should a woman



attend on her husband ; and she who does so, is deemed a virtuous and dutiful wife.

Once upon a time, when the Buddha was residing in the town of Râts. Bhaddiya, he preached a sermon on the duties of a wife, at the request of the rich man Uggaha, who was the grandson of Mendhaka, to an audience consisting of a number of girls about to be married. He said that if the parents of a girl gave her in marriage to a man, she should rise from bed before her husband rises ; she should walk behind him ; she should ask him what work she was to do ; she should try and please him ; and she should always address him in a loving and affectionate manner.

The five duties of the wife towards the husband are :—

Ditto.

(1) Preparing his meals or causing them to be prepared so as to have them ready in good time ; (2) supporting the relatives of the husband ; (3) remaining faithful to him ; (4) saving the property acquired by him ; and (5) assiduously performing the household duties.

In the sacred writings also, mention is made of the seven kinds of wives, four kinds of marriages, and the five duties incumbent on the bride, the wife, and the husband.

The five duties of the wife towards the husband are :—

Dhamma-  
sâra.

(1) Obtaining the husband's consent in anything she undertakes to do ; (2) always giving him the precedence in speech ; (3) retiring to bed after he has done so ; (4) rising from bed before he rises ; and (5) carrying out his wishes and assuming pleasing ways and manners in his presence.

The five duties of the wife towards the husband are :—

Cittara.

(1) Preparing the meals and assisting betimes in his agricultural duties ; (2) supporting her relatives and slaves as well as her husband's when they are in need, and ingratiating herself in their good graces ; (3) behaving towards other men in such a manner as to be above any suspicion of infidelity ; (4) saving the property acquired by the husband, and keeping an accurate account of it ; and (5) assiduously attending to household duties.

## SECTION 210.

### THE QUALITIES OF A GOOD HUSBAND.

The qualities of a good husband are :—

Kaingza

(1) Striving to acquire wealth ; (2) providing the wife with a good house ; (3) maintaining the wife, children and slaves with tender



watchfulness; (4) looking after the cattle with care (5) supporting those of the relatives who are poor.

The wife who behaves disrespectfully towards her husband who possesses the qualities enumerated above shall be criminally punished; but she may be excused if her husband does not possess them.

Myingun.

The qualities of a good husband are :—

(1) Striving to acquire wealth; (2) entrusting any property acquired to the wife; (3) diligently carrying on the business while at home; (4) mildly instructing and wisely advising his wife and children; and (5) abstaining from liquor, avoiding irregular habits and refraining from all kinds of gambling.

Kandaw.

[Substantially the same as Kaingza.]

Vanna-  
dhamma,  
Vaṇṇanā.

[Substantially the same as Kaingza.]

A good husband should be replete with virtue and wisdom; he should love and cherish his wife and children; he should show them how to do what is right and proper and admonish them gently when they are in the wrong.

Râst.

[Substantially the same as Kaingza.]

Mañu-  
vaṇṇanā.

[Substantially the same as Kaingza, except that it contains the following in addition.]

He shall not divorce or put away a wife who is dutiful and respectful. The husband who possesses these qualities sheds happiness and welfare like the Sakra.

Rescript.

The following are the four ways of obtaining worldly happiness and prosperity by men :—

(1) Associating with good and worthy friends; (2) striving to acquire property; (3) endeavouring to retain and save property already acquired; and (4) keeping well within one's means.

Warulinga.

[Substantially the same as Kaingza].

#### SECTION 211.

#### THE QUALITIES OF A GOOD WIFE.

Mānussika.

A woman shall not dispute her husband's authority, but shall respect and obey him; she shall keep in safe custody his clothes and property, and shall keep watch over his lands and slaves.

Pyu.

A woman should instruct and admonish her children, grandchildren and slaves, and should see that they are properly maintained; she should attend on her husband with reverence; she should not even think of being unfaithful to him; she should save any property



acquired by him and prevent it from being wasted ; she should try to increase the property acquired ; she should not be indolent, but should always be industrious and energetic ; she should retire to bed after he has done so, and rise before he rises ; she should speak affably and pleasantly ; she should submit to his authority ; and she should disregard the inclemencies of the weather in providing for his comfort. A woman who acts in this manner will be re-born in the *Nimmānarati nat* abode on her death. Therefore, good women of noble birth and parentage should revere their husbands and attend to their welfare.

A woman belonging to an exalted rank or class should instruct *Vilāsa*, and admonish her children, grandchildren and slaves ; she should see that her husband is well provided with food and raiment, that his bed is properly prepared, and that he is provided with betel, sweet perfumes, and water to wash his feet ; and she should attend to his welfare and comfort by looking after his food and raiment.

A woman who belongs to the middle class or rank should assiduously attend to the household duties ; she should not gainsay her husband's wishes ; she should revere him ; she should look after her children, grandchildren and slaves, and be solicitous about their well-being ; she should not waver in her fidelity towards her husband ; she should try and save the property acquired by him and endeavour to add to it ; she should be industrious, rising from bed before her husband rises, and retiring to it after he has done so, and take his instructions for her daily duties ; she should obey him in all matters and comply with his wishes ; and she should be affable and pleasing in speech. In these ways should a woman attend on her husband and be solicitous about his welfare. Rishi Manu says that such a woman is indeed a dutiful wife.

Work shall be distributed between the husband and wife so that they may have what is suitable for each to perform. The duties of the wife are :— *Kaingza*,

Preparing the meals and betel ; washing her husband's clothes ; spinning and weaving ; looking after her children, grandchildren and slaves ; saving the property acquired ; retiring to bed after her husband has done so, but rising before he rises ; acquainting him with all matters ; obeying him ; and avoiding unnecessary visits to the houses of other people. The husband who ill-treats his wife notwithstanding that she performs these duties shall be criminally punished, and the wife who fails to perform them shall be publicly chastised by her husband.

It is the duty of the wife to obey and revere her husband, to lead *Myingun*, her children to right conduct, convincing them by sound reasoning



the advisability of such a course ; to save the property acquired by her husband ; to add to the property acquired by wise management of affairs ; to distribute and superintend the work of the slaves and hired labourers ; to provide suitable food and raiment for the slaves as well as the upper and lower servants ; to accord fitting welcome to strangers and friends ; to maintain relatives and make arrangements so as to admit of their free access to the house ; and to be solicitous about her husband's welfare as regards his clothes and meals.

Dhamma-  
thatkyaw.

The following shall be avoided by a good woman, namely, indulging in alcoholic drinks like men ; associating with evil persons ; wrangling and quarrelling with the husband ; taking her meals before the husband does so ; retiring to bed before he retires, and staying in it later than he does ; loitering about other people's houses ; giving money or property to her parents or relatives without her husband's knowledge ; eating or sleeping to excess ; being flippant and cross : slighting or disregarding her husband's relatives ; and neglecting the care and management of the house.

A good wife should attend to her husband's welfare ; she should respect him ; she should wash his hands and feet, procure water for his bath and shampoo him ; she should have his meals and dress always ready for him ; she should obey him ; she should manage the house and guard the property against waste ; she should love her husband and be on terms of amity with her children, grandchildren and slaves, and should cherish a desire to see them well provided with food and raiment ; and she should maintain her relatives as well as those of her husband.

Manugyè.

If a woman is a good wife, she will instruct and admonish her children, grandchildren and slaves ; she will attend to her husband's welfare, looking after his meals and clothes ; she will prepare his bed, provide him with flowers, sweet scents, betel, pickled tea, &c. ; she will not think of being unfaithful to him ; she will save the property acquired by him ; and she will be very industrious.

Kandaw.

[Substantially the same as Kaingza.]

Vanna-  
dhamma.

A good wife is skilful in preparing meals and betel and in making cheroots ; she washes her husband's clothes and observes all the other duties of a wife towards the husband ; she is accustomed to spin and weave well ; she saves the property acquired and prevents it from waste ; she retires to bed after her husband has done so and rises from it before he rises ; she takes her meals after he has done so ; she acquaints him with all matters and seeks his advice ; she



speaks affably and pleasantly ; she obeys her husband and acts according to his advice ; and she avoids frequenting other people's houses. The husband shall neither abuse nor ill-treat such a wife. If he does so, he shall be criminally punished. A wife who does not possess the good qualities enumerated above may be publicly chastised. The reason is that she has no character.

[Substantially the same as Vilâsa, except that instead of Vannanâ, the last sentence it contains the following :—Such a wife is sure to reach the abode of the *nats* (on her death).]

The Buddha taught that a wife should respect and honour her husband's relatives ; she should show respect and make offerings to her parents, and to virtuous persons who observe the precepts of Buddha, as well as to all monks and Brahmans ; she should excel in, and industriously attend to, spinning and weaving ; she should know how to distribute work among slaves and servants according to their strength and fitness for different kinds of work, and how to gauge the amount of work done by each in order to ascertain whether any have been idling ; she should keep herself informed in all matters ; and she should save the property acquired by her husband and sons.

[The same as Vilâsa.]

Ditto.

[Substantially the same as Kaingza.]

Ditto

A good wife is accustomed to prepare the meals well ; she is skilful in preparing betel and making cheroots ; she washes her husband's clothes ; she spins and weaves with deft hands ; she manages the house and looks after the household property ; she maintains her children, grandchildren and slaves properly ; she retires to bed and takes her meals after her husband has done so ; she acquaints him with all matters and is guided by him ; and she does not unnecessarily visit other people's houses. If the husband abuses or ill-treats such a wife, he shall be criminally punished ; on the other hand, if a woman does not possess the qualities enumerated above, she shall be punished severely and publicly, and also abused and chastised.

Manu-  
vannanâ

[The same as Pyu.]

Sônda.

The four rules of conduct by which a woman obtains wealth and happiness in the present world are :—

To assiduously attend to household duties ; to save property acquired by the husband and carefully guard it against loss or waste ;

Rescript.



to refrain from saying anything which her husband forbids, even at the risk of losing her life; and to maintain the husband's relatives.

**Rescript.** Instances illustrating the truth of the statement made above are to be found in the story of the wife Mandhapyā, who made an asseveration when her son was bitten by a snake (and so saved him); and in that of a woman who cohabits with the husband whom she does not love without showing any outward sign of her feelings, for fear of breaking a custom which prohibits divorce and second marriage.

**Warulinga.** A good wife prepares the meals and betel well and makes cheroots skilfully; she helps her husband to dress, and puts his clothes out in the sun and carefully stows them away; she performs all other duties of a wife efficiently; she manages the house and slaves, and carefully arranges her property exposing some and concealing others; she is industrious in weaving, spinning, &c., and in working at flower work, dyeing, &c.; she retires to bed after, and rises before, her husband has done so; she takes her meals after he has taken; she acquaints him with all matters, speaks affably and pleasantly, and is very obedient to him; she does not frequent other people's houses; and she never entertains any idea of being unfaithful to her husband. The husband shall not abuse or ill-treat such a wife. If he does so, he shall be criminally punished.

**Ditto.** Once upon a time the king of Benares ruled at Kāsi. His son Sothhisena and his daughter-in-law Sambhūla left the city and resided in a wood. Sambhūla was there tempted by Rakkha (ogre) Tānoyakkha to forsake her husband and live with him, but she did not in the least yield to the temptation. In virtue of her constancy and fidelity the miraculously soft stone slab of the Thagyamin (king of the *nats*) became as hard as a drum-head. Having ascertained the cause, the Thagyamin came down to the earth and prevented any violence being done to the virtuous lady.

**Dhamma-sāra.** The five rules of conduct which all good wives should observe are:—

To take on herself the burden of the entire management of the house; to give alms to those who are in need and who ask for them; to be strictly faithful to the husband; to save the property acquired by him; and to be always energetic and willing to work.

**Kyetyo.** [Substantially the same as Vilāsa.]

**Kyannet.** The following are the rules of conduct for all good wives:—  
To manage the house; to maintain the people living in the house, including slaves, servants and hired labourers, and to treat them



liberally, kindly and yet with self-respect ; to remain strictly faithful to her husband ; to save the property acquired by him and guard it against loss or waste ; to be skilful in all kinds of work which appertains to women ; to be industrious and always engaged in profitable employment ; to retire to bed after, and rise before, he has done so ; to seek advice from him in all her work ; to readily accord to his wishes ; to speak affably and pleasantly, *i.e.*, always accompanying her words with a sweet smile ; to follow the advice of her husband ; to accommodate her views to his ; to speak calmly at all times ; to be skilful in cooking and management of the house ; to consult her husband on all matters ; to prepare his bed ; to be free from frivolity and gaiety ; to have a parental solicitude for her husband's physical, intellectual and moral welfare ; and to love him as a sister would, being sincere to him like a friend, subservient like a slave and gratifying his desires with the pleasing ways of a *demi-monde*.

The duties of a wife towards her husband are :—

To manage the house ; to maintain her husband's slaves ; to be faithful to him ; to save the property acquired and guard it against loss or waste ; to try and increase the property acquired ; to be industrious ; to retire to bed after, and rise before, her husband has done so ; to take instructions from him for her day's work ; to comply with his wishes ; to be always pleasant and affable in speech ; to make preparations for his morning ablutions ; to provide for his comfort in every weather ; and to prepare the bed at night.

A woman belonging to an exalted rank or class should instruct and admonish her children, grandchildren and slaves ; and she should see that her husband is well provided with food and clothes, and that he is (regularly) given water to wash his hands and feet. A woman who belongs to the middle class should personally attend on her husband for his comfort ; and she should not go against his behests, but she should revere him. There is no virtue in a woman greater than that of her devotion to her husband. Therefore daughters of good and virtuous parents should find pleasure in trying to please their husbands.

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## SECTION 212.

### THE DUTIES SPECIALLY INCUMBENT ON HUSBAND AND WIFE.

Between husband and wife each should try and carry out the wishes of the other. The husband has the right to chastise his wife if she is guilty of the six kinds of faults ; and she may also be

Mānussika.



punished by reducing her dress allowance. If the wife is replete with the six noble qualities, the husband shall not illtreat her; if he does so, he shall be criminally punished. For a husband the maintenance of his wife and placing her in entire charge of the whole of his property is a great merit; and a wife may acquire great merit by attending to her husband's comfort and always conforming to his wishes.

Râst.

The Dhammathats lay down the following rules of conduct to be observed between husband and wife, namely:—

The wife shall revere her husband, manage the house property in order to prevent waste or loss, superintend the work of the children, grandchildren and slaves, and see that they are properly maintained; she shall impose on slaves such work as should be performed by them; she shall offer assistance to the upper and lower servants, strangers, friends and relations according to their deserts; and she shall assiduously attend to the household duties so that her husband may never be in want of proper food and clothes. The husband shall, on his part, try and acquire property and entrust the whole of it to her; while at home he shall perform all work and transact all business appertaining to him; he shall instruct and admonish his wife and children; and he shall refrain from quarrelling and wrangling and dissipation, as well as from all kinds of gambling which inevitably causes ruin. Manu, the Rishi, says that a wife who does not revere and respect her husband shall be severely punished.

Manu-  
vannanâ.

A good wife should attend on her husband with the solicitous care of a parent, the respect of a younger sister, the sympathy of a friend, the obedience of a pupil and the subservience of a slave, although on account of his past misdeeds he may be irritable, or under a calamity, or suffering from some disease or infirmity. The husband should cherish and maintain such a wife.

Rescript.

The four virtues which ensure the union of the husband and wife and their prosperity in the lives beyond the present are:—

Faith, virtue, charity, and wisdom. Between husband and wife each has five duties to perform towards the other. Accordingly each should perform his or her duties so that both may prosper in this as well as in future existences.

Kyetyo

For a woman there is no virtue higher than that of attending to her husband's welfare. Therefore a woman should assiduously attend to her husband's welfare.



SECTION 213.

ENUMERATION OF CERTAIN QUALITIES OF THE HUSBAND OR THE WIFE, BY THE POSSESSION OF WHICH THE POSSESSOR IS ENTITLED TO BE RESPECTED BY THE OTHER.

O great king! There are five qualities of the husband or the wife, namely, stature, good looks, wealth, age and rank. In these they may be equal in all respects. An instance of such an equality is the case of two rich men at Rājagraha who were equal in these five qualities. It was found difficult to decide as to who should take the precedence. Their thumbs and little fingers as well as their big and little toes were measured, but even these were found to be equal in length. On measuring their index fingers one was found to be longer than the other by the length of a grain of paddy. The man who had the longer index finger was given the precedence.

Judges should first make inquiries about the rank or birth, conduct, wealth, and personal appearance before they decide who is to pay and who is to receive due respect; even when the rank or birth is equal, one may be older, more virtuous or wiser than the other; and a wise judge should decide that the latter shall respect the former.

The husband and wife may be equal in personal appearance, age, wealth and rank, but if one surpasses the other in power and wisdom, the former shall be regarded the nobler person and shall be respected by the latter.

If the wife does not respect her husband who acquires his property, provides her with a house, keeps watch over his cattle, ponies, elephants, and slaves, and maintains the poor relatives, she shall be criminally punished; but if the husband does not possess those good qualities she may abuse him with impunity.

The wife who is in the habit of abusing her husband shall be chastised, but shall not be divorced or put away. It should be remembered that man is naturally woman's superior. Hence, if the conduct of the husband is irreproachable, his wife shall obey him, even though he may be a hunter or fisherman by trade.

SECTION 214.

BETWEEN HUSBAND AND WIFE ONE SHOULD FOLLOW THE GOOD EXAMPLE SET BY THE OTHER.

If the husband is virtuous, the wife should identify herself with him in the same way as a river merges itself in the sea. If the



husband is good and virtuous, so should the wife be. The wife should behave in such a way that she might earn merit for the future, and gain honour for herself, her children and grandchildren. She should also look after the welfare of her children, grandchildren and slaves.

Dhamma-  
thatkyaw.

If a man desires that his wife should be good and virtuous, he should, on obtaining a wife who is like a mother, sister, friend or slave to him, instruct, admonish and cherish her so that she may be wise; he should provide her with clothes and ornaments, make over to her the whole of his property, have implicit faith in her and hand over the management of the house to her; he should not make her feel anxious and jealous by being unfaithful to her; he should not give away even a *kunza* measure of rice without her knowledge; he should take a delight in the adornment of her person; and he should perform all the duties incumbent on a good husband. The wife on her part should perform all her duties.

When a wise husband instructs a wise wife, she abandons her bad habits, if she has any, loses her own individuality, acquires her husband's virtues, and becomes identified with him in the same way as the five great rivers and the five hundred lesser ones lose even their very names on entering the sea and come to be considered as the sea itself. So says Manu, the Rishi.

Manugyè.

Between husband and wife one should follow the good example set by the other. Then only may the fortunes of one be shared by the other and both be looked upon as having transmigrated from the *Brāhma* or the *Deva* world. If one does not follow the good example of the other, such a one must have come from the *tiracchāna* (animal), or the *pritta* world, or from hell.

nyannet.

An excellent rule for the husband and wife is to promote each other's happiness; who ever fails in his or her duty towards the other shall be punished.

#### SECTION 215.

FOUR CLASSES OF UNION IN WEDLOCK BETWEEN MAN AND WOMAN DETERMINED ACCORDING TO THE CHARACTER OF EACH.

Mānussika.

If the husband is virtuous while the wife is not, on their death, he will ascend to the *Deva* world while she descends to hell. Such a union is like that of a *Deva* with a female lower animal. If the wife is virtuous, while the husband is not, the union would be like that of a *Devī* with a male lower animal. If both are virtuous, the union



would correspond with that of a *Deva* and a *Devî*. If neither be virtuous, the union would resemble that between lower animals. Of the husband and wife the one who is virtuous will be reborn in the *Deva* world and the other who is not will suffer in hell.

[Substantially the same as Mânussika.]

Vilâsa.

[Substantially the same as Mânussika, except that it contains the following in addition.]

Dhamma-  
thatkva.

Out of the seven classes of wives the one who is like a mother, sister, friend or slave to the husband is a virtuous wife and is therefore like a *Devî*, while the one who is like a master, an enemy or a thief is like a female lower animal. A man who respects the traditions and customs of his family, who takes care of his household property and loves and cherishes his wife is like a *Deva*, while a man who disregards the family traditions and customs, who does not take care of his household property and is not virtuous is like a lower animal. Virtuous husbands and wives never have recourse to law; it is only those couples who are frail have frequent occasion to appeal to law.

Once upon a time while the Buddha was travelling between the countries of Madhûra and Verañca, and resting at the foot of a tree, he was approached by a party accompanying a marriage procession. He preached to them as follows on the four classes of union in wedlock. If both the husband and wife are devoid of virtue, and are selfish, irritable and quarrelsome for want of the virtues requisite for a happy married life, they are like the dead, to all intents and purposes, though they may be living. If the husband is devoid of virtue and good manners, and is selfish, irritable and addicted to abusive language, while the wife is replete with virtue and is good mannered, unselfish and apt to learn the teaching of those who, from self-abnegation, subsist on alms, then, of this couple, the husband being deficient in virtue, is like the dead, while the wife, though human, is like a *Devî*. On the other hand, if the husband is replete with virtue, good mannered, unselfish, and is an intelligent pupil of those who, from self-abnegation, subsist on charity, while the wife is devoid of virtue and good-manners, and is selfish, irritable and fond of using bad language, then the wife is, owing to her deficiencies, like the dead, while the husband is, though human, like a *Deva*. If both the husband and wife possess the qualities requisite for a happy married life, exercise self-control in thought, word and deed, and earn their living by honest means, the union is like that between a *Deva* and a *Devî*.

[Substantially the same as Mânussika].

Ditto.



- Rescript. The four classes of union in wedlock are :—
- (1) the union in which the husband is virtuous but the wife is not, and which is like the union between a *Deva* and a female *Naga*.
  - (2) the union in which the wife is virtuous but the husband is not, and which is like the union between a *Devī* and a male *Naga*;
  - (3) the union which is like that between a male and a female *Naga* when both the husband and wife are not virtuous ; and
  - (4) the union which is like that between a *Deva* and a *Devī* when both are virtuous.
- Kyetyo. [Substantially the same as Mānussika.]
- Kyannet. [Substantially the same as Mānussika.]

## SECTION 216.

## THE WIFE WHO SHOULD BE LOVED.

- Mano. The wife who should be loved is the one who is replete with virtue.
- Kaingza. [The same as Mano.]
- Kandaw. The wife who is virtuous and wise, and who performs every duty towards her husband should be loved and trusted.
- Tejo. [Substantially the same as Mano.]
- Vanna-dhamma. [Substantially the same as Mano.]
- Rāsi. The Manuyin Dhammathat says that there are two classes of wives, namely, those who should be loved and those who should not be abandoned. The former are those who are virtuous and good mannered.
- Manu-vannana. [Substantially the same as Mano.]
- Pāṇāṇ. [Substantially the same as Mano.]

## SECTION 217.

## THE WIFE WHO SHOULD NOT BE ABANDONED.

- Mano. The wife who should not be abandoned is the one who is a confirmed invalid.
- Kaingza. [Substantially the same as Mano.]



[Substantially the same as Mano.]

Kandaw.

[Substantially the same as Mano.]

Tejo.

[Substantially the same as Mano.]

Vanna-  
dhamma.

A virtuous wife, who is suffering from an incurable disease, should not be abandoned, but should be carefully tended.

Manuyin.

[Substantially the same as Mano.]

Rāsi.

The wife who always cherishes a feeling of love for her husband should always be maintained; she should not be abandoned on the ground that she is suffering from a long-standing disease.

Manu-  
vaṇṇa.

A wife who is virtuous and good mannered should be maintained for life.

Vicchedant.

[Substantially the same as Mano.]

Pāṇam.

The following classes of wives should not be abandoned:—

Kyannet.

(1) One who shares the troubles and anxieties of her husband; (2) one who still cherishes and maintains her husband notwithstanding that he has grown infirm, blind, leprous, enfeebled in intellect, or incapacitated; (3) one who shows due respect to her husband when he attains the same dignity as that of a village headman; (4) one who shows great respect to her husband in the presence of strangers, such as kneeling before him, &c.; and (5) one who is not given to secreting portions of her husband's earnings and appropriating it for purposes other than for their joint benefit.

## SECTION 218.

### THE SEVEN CLASSES OF WIVES.

There are seven classes of wives, namely:—

Mānussika.

(1) A wife who is like a mother, (2) a wife like a sister, (3) a wife like a friend, (4) a wife like a master, (5) a wife like a thief, (6) a wife like an enemy, and (7) a wife like a slave.

A wife who is like a mother is one who is solicitous that her husband should be provided with delicious food and becoming dress, and that he should be wise and good in the same way as a mother is solicitous about her son. A wife like a sister is one who, while maintaining a maidenly modesty as a sister, would never utter anything that is incorrect; is always careful that her clothes do not fall loosely or carelessly and thus partially expose her person; is never remiss in the performance of her household duties; is ever modest in her behaviour and looks; and bestows her favours, endearments and caresses on him only when they are alone. A wife



like a friend is one who, having a wish for mutual welfare, regards her husband's relatives as her own, and abides by his behests. A wife like a master is one who uses abusive language to her husband as a master would use to his slave; takes her meals or retires to bed before he has done so; says to him in a haughty and overbearing manner, "Am I your equal, you slave, thief, paltroon? Why should I mind you? I shall eat whatever I like, it is not your money that I spend." A wife like an enemy is one who squanders the property entrusted to her care by her husband, keeps a paramour, contrives the ruin of her husband's prosperity and the destruction of his life, takes no care about her husband's meals and clothes, accuses him of theft, and calls him bad names. A wife like a thief is one who conveys to her relatives without his knowledge, the property entrusted to her by her husband, and falsely informs him that it has been used up when he makes inquiries about it, pays no heed to his meals and clothes, and neglects the duties appertaining to women. A wife like a slave is one who attends upon her husband with subservience, procures water to drink and to wash his feet on his arrival from a journey, does not dispute his authority, and takes her meals or retires to bed after he has done so.

Pyu.

There are seven classes of wives, namely :—

(1) A wife who is like a mother, (2) a wife like a sister, (3) a wife like a friend, (4) a wife like a master, (5) a wife like a slave, (6) a wife like an enemy and (7) a wife like a thief.

A wife who is like a mother is one who evinces towards her husband the same solicitous care that a mother does towards her child; explains his faults gently; procures him food when she thinks he is hungry; dresses him well; tries to restrain his temper and thus prevent his falling out with other people; and advises him on matters which will benefit him and make him prosperous. A wife like a sister is one who, though the marriage bond permits her to enjoy free and easy converse with her husband, avoids unbecoming conversation with him in the presence of strangers in the same way as brothers and sisters would while in company; maintains a maidenly modesty and takes care that her dress does not fall loosely and carelessly so as to expose any part of her person; is ever mindful of her duties in all matters; and attends on her husband with reverence. A wife like a friend is one who regards her husband's relatives as her own, and renders them assistance by giving food and clothes in the same way as a friend would do; a wife like a slave is one who, showing the same reverence as the slave, attends on her husband, washes his hands and feet on his return from a journey



and gives him change of clothes; does not retort even when he speaks angrily; does not speak harshly in his presence; and eats only after he has done so. A wife like a master is one who abuses her husband as a master would abuse his slave; neglects her duties when he is away and does nothing but eating and sleeping; when rebuked by him for such conduct abuses not him alone, but also his parents; and says to her husband, "I shall sleep and eat as I like; I am not your slave, nor do I use your parents' property. You are not my equal. I regard you as nothing but sweepings of hay." A wife like an enemy is one who squanders all the property entrusted to her by her husband; keeps a paramour and contrives the ruin of his prosperity and the destruction of his life; and when the husband taxes her with the complaint that he does not get his meals regularly, abuses him, saying "You are an adulterer, a thief, and cattle-lifter. I shall bring you before the owners of stolen property and make them kill you." A wife like a thief is one who stealthily conveys to her relatives the property entrusted to her by her husband, and tells him when questioned that it has been used up; does not care to prepare the meals regularly; does not perform her duties, but goes about from house to house retailing gossip; and never knows when anything is missing in the house. Of these seven classes of wives those who revere and respectfully attend on their husbands are re-born in the *Nimāṇarati* nat abode. So has the Buddha preached.

Between husband and wife there are seven duties to be performed VILĀSA. by each towards the other. There are seven classes of wives, namely:—

(1) A wife who is like a mother, (2) a wife like a sister, (3) a wife like a friend, (4) a wife like a master, (5) a wife like an enemy, (6) a wife like a thief and (7) a wife like a slave.

A wife like a mother is one who advises her husband to be on good terms with other people; provides him with his meals in good time; supplies him with new clothes so that he may be always decently dressed; is ever mindful of the prosperity of their joint business; and gives timely exhortation and advice. A wife like a sister is one who, notwithstanding the freedom permissible under the marriage bond, does not indulge in free and unbecoming conversation with her husband in the presence of others, but maintains her maidenly modesty, and takes care that her dress does not fall about loosely and carelessly so as to expose any part of her person; and bestows her favours, endearments and caresses only when they are alone. A wife like a friend is one who promotes the welfare of her husband and consults him on all matters as a friend would;



regards and treats his relatives as her own, and her relatives as his; obeys him while he on his part takes her advice; and waits for him at meal-time when he is on a visit to officials or friends. A wife like a master is one who does not keep meals ready for her husband to take after his return either from a short or a long journey; does not pay any heed to his food or clothes, but herself eats to excess, and sleeps neglecting the household property; and when rebuked for her idleness and neglect of duty, and when he admonishes her, abuses not only him, but also his parents in the same way as a master would abuse his slave, saying "You son of a slave and a witch, base-born person; are you my equal? I shall eat whatever and whenever I like. I am not using the money of your slavish or base-born parents. You shameless slave! Why should I care for you." A wife like an enemy is one who squanders the property entrusted to her by her husband; never knows her duties towards him and never cares about his meals and clothes; keeps a paramour; does not respect him; is immoral in thought, word and deed; when rebuked by him for such conduct, contrives his ruin or death; makes false accusations in the presence of others; and when property is entrusted to him by others falsely accuses him with theft and abuses him saying "Slave; thief, adulterer, I shall inform the owners of the stolen property and make them kill you or beat you." A wife like a thief is one who stealthily conveys to her parents and relatives the property entrusted to her by her husband, and falsely informs him when questioned that it has already been expended; does not know her duties towards him; does not care about his meals or clothes; and never thinks of increasing the property of their business, but idles away the time by visiting neighbouring houses and gossiping at one and at another, not knowing what is missed in her own house. A wife like a slave is one who takes care of her husband's clothes so that he may be always decently dressed; prepares his food; attends on him with respect and reverence in the same way as a slave would; procures for him in the most respectful manner water to drink, to bathe and to wash his feet on his return either from a short or a long journey; does not retort when scolded by him in anger in respect of some household matter; never speaks a harsh word in his presence; and never eats before he has done so, but takes her meals after he has finished.

Waru.

O great King! One should know what the seven classes of wives are. They are:—

(1) A wife who is like a master, (2) a wife like a thief, (3) a wife like an enemy, (4) a wife like a mother, (5) a wife like a sister, (6) a wife like a friend, and (7) a wife like a slave.



There are seven classes of wives, namely :—

(1) A wife who is like a mother, (2) a wife like a sister, (3) a wife like a friend, (4) a wife like a master, (5) a wife like an enemy, (6) a wife like a thief, and (7) a wife like a slave.

Just as a mother loves her son, desires that he shall get better food and finer clothes than the sons of others, attends on him during illness with unremitting care, admonishes him and manages his house, so a good wife loves her husband, desires that he shall get better food than the husbands of others, attends on him during illness with a mother's solicitude, admonishes him when she sees or hears that he is misbehaving himself, and takes care of the household property preventing unnecessary expenditure. Such a wife is like a mother.

Just as a sister respects her brother and is ashamed either to speak or behave unbecomingly in his presence and desires to see that he is well provided with clothes, so a good wife does not speak anything objectionable in her husband's presence, takes heed that her dress does not fall loosely or carelessly so that parts of her person are exposed, behaves respectfully, desires to provide him with delicacies, manages the house, and bestows her favours, endearments and caresses on him only when they are alone. Such a wife is like a sister.

Just as friends try their best to continue the friendship and love between them, so a good wife consults her husband on all matters, is afraid of incurring his displeasure, is very anxious that she would lose her hold on his affections, loves and respects his relatives, obeys his wishes, manages the house well, and desires to see him well provided with food and clothing. Such a wife is like a friend.

Just as a master treats his slave with contempt, so a bad wife does not love and respect her husband, cannot bear to see him well provided with food and clothes, and so never cares to attend to them; neglects the management of the house and throws the whole burden of it on his shoulders; does nothing but eat, sleep and adorn her person, and retaliates when rebuked; lives on his earnings alone; and acts the part of a termagant. Such a wife is like a master.

The husband entrusts the whole of his property to his wife, but she squanders it; does not attend to his food and dress and takes no notice of his relatives; leaves him to his fate during illness; behaves in such a manner that there is no peace or quiet in the house, refuses to accept his advice when rebuked by him for such conduct, and quarrels with him day and night; he cannot trust her or leave the house; she circulates evil reports about him; never speaks



calmly and amicably : and keeps a paramour. Such a wife is like an enemy.

The husband entrusts the whole of his property to his wife, but she stealthily conveys it to her parents and relatives, and when questioned about it falsely says that it has been used up. In this way she wastes or secretly stows away all his earnings with the natural consequence that they never prosper ; she does not care to weave or spin, but loiters about from house to house, never knowing what is going wrong and what is being lost in her own house ; and property is never saved, being stolen partly by herself and partly by others. Such a wife is like a thief.

A wife obeys her husband implicitly, carefully attends to his food and dress, saves the property entrusted to her, manages the house well, procures water to bathe and to wash the feet, greets him on his return home, serves him like a slave, eats after, retires to bed after, and rises before, he has done so, performs her morning duties, prepares the bed and shampoos him, and eats and dresses only what is given her. Such a wife is like a slave. Of the seven classes of wives those like a mother, a sister, a friend and a slave are good wives, and men should never divorce them. Again, of these four, the wife like a slave occupies the foremost place, and she can acquire the merit to be re-born as a man, or even attain *nirvāna*. So says Manu, the Rishi.

Dhamma. The seven classes of wives are :—

(1) a wife who is like a mother, (2) a wife like a sister, (3) a wife like a friend, (4) a wife like a master, (5) a wife like a thief, (6) a wife like an enemy, and (7) a wife like a slave.

Manugyè [Substantially the same as Vilāsa, except that it contains the following in addition.]

Of these seven classes of wives those like a mother, a sister, a friend and a slave should not be divorced, while those who are like a master, an enemy and a thief should be divorced even after they have borne ten children. A wife who is like a slave always earns the praise of the Buddhas and the Arahats, and can invariably be re-born as a man if she so desires and longs for it. She excels others in that she can easily attain the right Path. So says Manu, the Rishi.

Ditto. There are three ways of contracting a marriage ; and a wife obtained by any of those ways may be like (1) a mother, (2) a sister, (3) a friend, (4) a slave, (5) a master, (6) an enemy, and (7) a thief.

From the time children are born till they attain maturity their mother takes the greatest care that they shall not come to any harm



not even through the stinging of bugs, gnats, and other insects; and she jealously takes charge of her children herself, and does not entrust them to the care of strangers lest they should hurt the children; give them unwholesome food, prove fickle in their love, changing their feeling every hour, and not remaining constant like her, lose patience and hurt them when they, becoming cross without any reason should cry. Fearing that the food or catables given by strangers with the best intentions might contain poison, she administers the food herself. She finds satisfaction in the sound sleep of her children, and keeps watch over them until they awake, so that no harm shall come to them; and although she herself has no sleep and food, she feels satisfied if her children enjoy healthy slumber and are well provided with food. She takes delight in the personal adornment of her children and thinks that any dress desired by them becomes them. She is very anxious that they might not suffer from heat and damp or get injured by a fall. She always desires to hear the merry laugh of her children; and even if they speak harshly the words are sweet and pleasant to her ears, and instead of reprimanding them, she caresses them and admonishes them gently. She instructs gently and out of the hearing of strangers, when they are, and when they are not, to sleep or eat, when to come away from, or to remain at, a place, and whither to go and whither not to go. She repeatedly enjoins them to observe the five precepts, and entrusts them to the care of good teachers to be established in the adoration of the three Gems. She feels delighted when they are praised by their teachers for their progress. She desires that they should enter the Order, and if they do not, that they should be married into good and noble families, and that they should support her as long as she lives. When they are still infants, nestling them in her breast, she finds pleasure in their infantile frolics. When excretions are voided on her person she shows no sign of repulsion, but thinks that the odour is agreeable. A good wife entertains this kind of love for her husband. She says to herself thus:—"He is my husband, to whom I am married according to one of the three recognized ways of marriage. He being a man, Buddhahood is within his reach, while I, being a woman, shall have to strive hard to be first re-born as a man." She does not eat anything before he himself has eaten, nor retires to bed before he has done so. Desirous of seeing him dressed more neatly and becomingly than others, when he makes his appearance in public functions, she dresses him herself. She seeks to know the purpose of his being away from home and watches with expectant eyes the road by which he would return. She gives him change of clothes on his arrival at home. She prepares his food personally. When she finds that he pays his court to some other woman, she does not let



Manugyè. people know it, but admonishes him only in private. Such a wife is like a mother.

\* A sister on coming of age assumes a maidenly and modest behaviour and composure in her looks, movements and conversation; is scrupulously careful of the propriety and decency of her dress; and is never free and easy in her conversation with her brother, but reveres him and keeps her proper distance. A good wife behaves towards her husband even as the sister described above. She is afraid of him and never dares to indulge in repartee; she submits to his embraces only when they are alone, thus gratifying him without outraging her modesty and the requirements of decency. She knows how to please and soothe him. Such a wife is like a sister.

A good friend accords the most hearty welcome to another, providing everything conducive to the comfort of the guest, such as a bed, water to wash the face, hands and feet, delicious eatables and wholesome food; greets him most joyfully, manifesting his delight at having to receive a friend; makes the guest feel at home by speaking in a friendly, loving and well-disposed manner; and always renders his help whenever the friend is in need of it. A good wife behaves towards her husband like the good friend described above, greets him with a smile, washes and chafes his feet, gives him change of clothes, prepares his seat and provides him with delicious eatables. Such a wife is like a friend.

A wife like a slave is one who shampoos and fans her husband when he retires to bed; dares not even cough or expectorate lest the slightest noise should wake him; is always in fear of giving cause for complaint in the performance of her duties; watches him when he leaves the house, and greets him on his return; rises from bed before he has done so; and fearing that he might find fault with her gets the morning meal ready in good time. She reveres him as a slave would revere her master.

Manu, the Rishi, says that a wife like a slave is the best and noblest of the four classes of wives enumerated above.

\* Just as a master never admonishes his slave gently and softly but always in a harsh, haughty, overbearing and authoritative manner using the most contemptuous and insulting words; just as he pulls the slave's hair, kicks him and beats him with whatever he can lay hold of; and does not feed and clothe him properly; so a bad wife treats her husband as a slave; calls him by disparaging names and uses vile language not only against him, but also against his parents; provides herself with better clothes than his; eats the better part of the food before he has done so and gives him what is left; occupies a higher bed and a position of honour while the husband is made to occupy a lower bed and a meaner position; and always has the last



say in every dispute and never complies with his wishes, but makes him conform to hers. Such a wife is like a master.

The enemy of a person is one who contrives that person's death or ruin by violence, or by poison under false pretences of love and friendship if violent measures fail; when he fears detection himself he hires others to do the work by *mantras* and charms; if he cannot harm the person himself, he stealthily kills that person's cattle, ponies and elephants, and sets fire to his house and granary; and while speaking amicably to him he yet contrives to encompass his death. It is the nature of an enemy to always endeavour to gain his ends, no matter how or whom he wrongs. So a bad wife, in order that she may live unmolested with her paramour, tries to get rid of her husband by poison, charms and *mantras*; abuses him, his parents, and grandparents, and curses him. Such a wife is like an enemy.

A thief steals whenever he gets an opportunity, whether in the day or in the night; he steals by means of agents, by falsification of accounts, by substituting what is bad for what is good, or by any of the twenty-five ways of stealing. So a bad wife secretly stows away property or gives it away to others without the husband's knowledge. Wise judges should know a wife who is like a thief, a wife like an enemy, or a wife like a master, and she should be suitably and adequately punished.

The Buddha has taught that all women should avoid behaving Vappanā, like a master, an enemy or a thief towards their husbands. They should behave like a mother, a sister, a friend or a slave; for it is only then that they can be re-born as men and even attain *Nirvāna*.

[The few lines at the beginning are a discussion on Rāst.  
"Bhāriya" the Pāli word for wife.]

Sujātā was the self-willed sister of Visākhā and daughter-in-law of Anāthapinda. She had such an inordinate pride in her birth that she did not obey her husband and parents-in-law, and could not get on with her slaves. She formed the subject of a sermon by the Buddha, which is known as Sujātā Jātaka. In it the seven classes of wives are enumerated and they are as follows:—

A wife like a murderess, a wife like a thief, a wife like a master, a wife like a mother, a wife like a sister, a wife like a friend, and a wife like a slave.

A wife like a murderess is one who is false to her husband; does not love him but has a guilty passion for other men; does not care for his prosperity; does not respect him but treats him like a purchased slave; and always contrives to murder him. A wife like a



thief is one who does not take care of her husband's earnings, but wastes it or secretly stows away even a small portion of it. A wife like a master is one who is indolent and neglects to perform her household duties; has the habit of eating to excess; is rude in her manners, does not respect her husband, and habitually speaks to him in a harsh and overbearing manner; and treats the servants in a high-handed and haughty way. A wife like a mother is one who always has the prosperity of her husband at heart, loves him and keeps watch over him as a mother would; and takes good care of his property and prevents it from being wasted. A wife like a sister is one who, as a sister would, reveres her husband and maintains her maiden modesty towards him, and always complies with his wishes. A wife like a friend is one who, when she sees her husband, greets him as a good friend would greet another who has long been separated from him; and who, belonging to a good family, is replete with virtue, and respects and obeys him. A wife like a slave is one who never takes offence although her husband abuses her; is patient and forbearing; never loses her temper; and always acts according to his wishes. The former three classes of wives are punished in hell while the latter four classes of wives are re-born, on their death, in the *Nimmānaratī nat* abode, the fifth of the seven celestial abodes.

At the conclusion of the sermon, Sujātā promised that thenceforth she would behave like a slave towards her husband.

RĀst

According to the Dhammathats there are seven classes of wives, and in the Manulinga they are enumerated as follows:—

A wife like a mother, a wife like a sister, a wife like a friend, a wife like a master, a wife like an enemy, a wife like a thief, and a wife like a slave.

[The definition of the qualities of the first, second, third, and seventh classes of wives is substantially the same as that in Vilāsa above.]

Ditto.

The Dhammavilāsa Dhammathat mentions seven classes of wives. Of these a wife who is like a mother, sister, friend or slave should never be divorced or put away by a man, but should be cherished until death parts them. He should not cohabit even for a single day with a wife who is like a master, an enemy, or a thief; and although ten children may have been born, she should be divorced.

Manu-  
vannanā.

There are seven classes of wives, namely:—

(1) A wife who is like a murderess, (2) a wife who is like a thief, (3) a wife who is like a master, (4) a wife who is like a sis'er, (5) a wife who is like a mother, (6) a wife who is like a friend, and (7) a wife who is like a slave.



A wife who is like a murderess is one who sins against her husband, injures his interests, treats him with disrespect and entertains a guilty passion for other men. A wife who is like a thief is one who squanders the property acquired by her husband. A wife who is like a master is one who is indolent, given to excessive eating, rude in her manners, cruel and unsympathetic, accustomed to using abusive language, and to scolding and ill-treating her husband who is industrious, and neglects the household duties. A wife who is like a mother is one who has her husband's welfare at heart, attends to his well-being, and saves the property acquired by him, thus acting in the same way as a mother would do towards her son. A wife who is like a sister is one who respects and reveres her husband, and maintains her modesty in the same way as a sister would do towards her brother, and conforms to his wishes. A wife who is like a friend is one who greets her husband with joy on his return home as a good friend would do towards another who has come a long way to see him; and who is virtuous and performs her duties towards him faithfully. A wife who is like a slave is one who is never offended even when her husband threatens her with death or violence, has a mild and loving disposition, and gently persuades him to break off evil habits.

[The same as Pyu.]

Sōnda,

A woman is seldom replete with the qualities of a wife who is like a slave.

[Substantially the same as Vilāsa.]

Kyetyo, '

[Substantially the same as Vilāsa, except that it contains the following additional provision.]

The husband should treat with great love the wife who is like a mother; he should treat kindly the wife who is like a sister, and should be a good husband to her; a wife who is like a friend should be well provided with clothes and ornaments; a wife like a slave should be loved and gently admonished; he should treat the wife who is like a master, as if he does not care for her; he should not be ashamed of chastising a wife who is like an enemy; and he should always exercise great vigilance over a wife who is like a thief.

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#### SECTION 219.

##### THE FIVE KINDS OF WIVES WHO MAY BE PUT AWAY.

The five kinds of wives who may be put away are :—

Mano

- (1) A barren wife, (2) a wife who gives birth to daughters only, (3) a wife who is leprous, (4) a wife who does not behave accord-



ing to the rules of conduct governing her class, and (5) a wife who has no love for her husband.

Kaingza. [The same as Mano.]

Dhamma. The following are the five kinds of wives who may be put away, namely :—

(1) A wife who does not conceive and bear children even eight or ten years after marriage, (2) a wife who gives birth to eight, nine, or ten daughters in succession and not a single son, (3) a wife who is afflicted with leprosy, *gayingyi* (a mild form of leprosy) or epilepsy, (4) a wife who breaks the customary rules of conduct, and (5) a wife who does not act according to her husband's wishes.

In saying that any of the five classes of wives may be put away, the rule does not contemplate that the husband may take all the property and put her away; it means that he may refrain from cohabiting with her and that he is at liberty to take another wife. If he desires to divorce her, let each take the property which he or she brought to the marriage (*payin*), and let the property acquired jointly during the marriage (*lettetpwa*) be divided into ten shares: let the husband take nine shares and the wife one share. She shall also have her clothes and ornaments.

Manugyè. The following are the five classes of wives who may be put away, namely :—

(1) A wife who has not given birth to any child even after eight or ten years of wedded life, (2) a wife who brings forth eight or ten daughters in succession and no son, (3) a wife who is afflicted with leprosy, *gayingyi* (a kind of leprosy) or epilepsy, (4) a wife who breaks the customary rules of conduct, and a wife who has no love for her husband.

"Putting away" does not mean that the husband may take all the property and put the wife away, but that he has the right to take another wife if he so wishes, and the wife has no right to protest.

Randaw. [Substantially the same as Mano.]

Tejo. [The same as Mano.]

Vanna-dhamma. [The same as Mano.]

Râsi. There are five kinds of wives who may be put away. They are :—

(1) A barren wife, (2) a wife who brings forth daughters only, (3) a wife afflicted with leprosy, (4) a wife of bad conduct, and (5) a wife with whom virtuous men would not associate, or whom good men would not approve.

Manu-vaṇṇanā. The following are the five kinds of wives who may be put away, namely :—



(1) A wife who is naturally barren, or one who is barren through some physical deformity; (2) a wife who gives birth to daughters only, or one who bears no male child though she is in no way deformed; (3) a wife afflicted with leprosy; (4) a wife of bad conduct; and (5) a wife who has no love for her husband, or one who, having no affection for her husband, keeps a paramour.

The husband may take another wife after putting away any of Manu, the following five classes of wives, who shall have no right to protest, namely:—

(1) A barren wife; (2) a wife who gives birth to ten daughters in succession; (3) a wife who is afflicted with *gayingyi* (a species of leprosy) or with epilepsy; (4) a wife who keeps a paramour; and (5) a wife who does not conform to her husband's wishes.

The following are the five kinds of wives who may be put away, *Pāṇāh*, namely:—

(1) A barren wife; (2) a wife who brings forth daughters only; (3) a wife who is afflicted with leprosy; (4) a wife who keeps a paramour; and (5) a wife who does not act according to her husband's wishes.

The five kinds of wives who may be put away as enumerated in *Kungya-linga*, the *Manuvamānā Dhammathat* are:—

(1) A barren wife; (2) a wife who gives birth to daughters only; (3) a leprous wife; (4) a wife who keeps a paramour; and (5) a wife who refuses to listen to her husband's good advice.

[Substantially the same as Mano.]

*Dhamma-sāra*.

The following are the five kinds of wives who may be put away, *Cittara*, namely:—

(1) A wife who does not bear even a single child though she has been married and living with her husband for four, five, six, seven or eight years; (2) a wife who gives birth to four, five or eight daughters in succession and has no son; (3) a wife who is afflicted with leprosy or epilepsy; (4) a wife of bad conduct; and (5) a wife who has no love for her husband.

## SECTION 220.

### THE SIGNS OF BARRENNESS IN A WOMAN.

If a woman does not give birth to any child though she has been Manugyè, married and living with her husband for eight or ten years, she is said to be barren. Unproductive marriage may be due to the barrenness of the wife or the sterility of the husband. If the husband begets children with another woman, then it is clear that the wife is barren.



Other signs of barrenness in a woman are :—

Growing whiskers or a beard, having small feet and large hands, having an irregular gait, and having no breasts. One should not converse on religious topics or listen to religious discourses, sitting on the same floor (*i.e.*, on the same level) with barren women.

Barrenness is the result of demerit in previous existences. Rishi Manu says that a barren wife may be put away.

Manu      The husband may put away the following five classes of wives, namely :—

(1) A wife who has whiskers, (2) a wife who has a beard, (3) a wife who has large hands and feet, (4) a wife whose gait is awkward, and (5) a wife who has no breasts.

Cittara.      A woman cannot be said to be barren if she bears children with a second husband, though not with the first. Similarly, a man cannot be said to be impotent if he begets children with another woman, though not with his wife. Barrenness is the result of past evil deeds. A woman shall be taken as barren when she is unproductive not only with the first husband, but also with another husband. Other generally accepted signs of barrenness in women are :—

Having a beard, want of breasts, and having large hands and feet. One should not sit on the same level with barren women, or listen to religious discourses in the same company. Their barrenness is the result of their misdeeds in previous existences. The husband may put away a barren wife.

#### SECTION 221.

##### THE FIVE KINDS OF WIVES.

Râsi.      The Dhammanîti enumerates five kinds of wives, namely :—

(1) A wife who is like a thief, (2) a wife who is like a master, (3) a wife who is like a friend, (4) a wife who is like a relative, and (5) a wife who is like her husband in temperament.

#### SECTION 222.

##### THE SIX FAULTS IN A WIFE.

Mano.      The Dhammathats say that any of the following six kinds of wives may be chastised, but shall not be put away or divorced, namely, (1) one who indulges in intoxicating drinks ; (2) one who is loth to assume the burden and responsibilities of a housewife ; (3) one who disputes the authority of her husband ; (4) one who treats other men with familiarity ; (5) one who frequents the houses of other people ; and (6) one who habitually sits at the door of the house.



The six faults in a wife are :—

Mānussika.

(1) Drinking intoxicating liquors ; (2) associating with evil persons ; (3) wrangling and quarrelling with her husband ; (4) keeping a paramour ; (5) spending the time in the houses of other people ; and (6) sleeping to excess and at untimely hours.

There are six kinds of faults in a wife, namely, (1) drinking intoxicating liquors ; (2) associating with evil persons ; (3) wrangling and disputing with her husband ; (4) habitually sitting at the threshold ; (5) fondness for sleep ; and (6) spending her time in the houses of other people.

Ditto.

The six faults in a wife are :—

Pyu.

(1) Neglecting the management of the house ; (2) taking intoxicating drinks ; (3) associating with evil persons ; (4) quarrelling with her husband ; (5) sleeping to excess ; and (6) spending her time in the houses of other people.

The six faults in a wife are :—

Vilāsa.

(1) Taking intoxicating drinks ; (2) associating with evil persons ; (3) disputing her husband's authority and wrangling with him ; (4) eating before her husband has done so ; (5) violating the sacred laws of marriage by keeping a paramour ; and (6) frequenting the houses of other people.

A wife should avoid these faults and attend to her husband's welfare and comfort.

O great king ! There are six kinds of faults in a wife, namely :—

Waru.

(1) Drinking intoxicating liquors ; (2) habitually sitting at the threshold ; (3) frequenting the houses of other people ; (4) trying always to quarrel with her husband ; (5) neglecting the household duties ; and (6) keeping a paramour.

Any of the following six kinds of wives may be abused and chastised, but shall not be put away or divorced, namely :—

Kaingza.

(1) One who is addicted to liquor ; (2) one who fears to undertake the responsibility of a housewife ; (3) one who is fond of quarrelling with her husband ; (4) one who keeps a paramour ; (5) one who spends her time in the houses of other people ; and (6) one who habitually sits at the door of the house.

The six faults in a wife are :—

Myingun.

(1) Drinking intoxicating liquors ; (2) fondness for amusement ; (3) wrangling with her husband when he consults her ; (4) showing unwillingness and annoyance when asked to perform any work ; (5) spending her time in the houses of other people ; and (6) lying. The husband may chastise his wife for any of these faults. A



woman who abides by the admonitions of her parents and husband is worthy of praise, and on her death she will be re-born in the celestial abode.

Dhamma. The six faults in a wife are :—

(1) Drinking intoxicating liquors; (2) associating with evil persons; (3) disputing her husband's authority and refusing to take his advice; (4) eating before her husband has done so; (5) keeping a paramour; and (6) frequenting the houses of other people.

Manugyè. There are six kinds of faults in a wife, namely :—

(1) Drinking intoxicating liquors; (2) associating with evil persons; (3) disputing her husband's authority and refusing to take his advice; (4) eating before her husband has done so; (5) violating the laws of marriage by keeping a paramour; and (6) frequenting the houses of other people. A woman should avoid these faults and attend to her husband's welfare and comfort.

Ditto. The following are the six faults in a wife, the mere possession of any or all of them would not entitle her husband to divorce her or put her away, namely :—

(1) Drinking intoxicating liquors; (2) neglecting the management of the house; (3) finding fault with her husband and quarrelling with him; (4) speaking disparagingly of her husband behind his back; (5) frequenting the houses of other people; and (6) standing in the doorway at all hours and watching the men or the quarrelling of other people.

Kandaw. [Substantially the same as Kaingza.]

Tejo. [Substantially the same as Mano.]

Vanna-dhamma. The following six kinds of wives may be chastised, but shall not be put away or divorced, namely :—

(1) One who is addicted to liquor; (2) one who neglects the management of the house; (3) one who is fond of quarrelling with her husband; (4) one who habitually treats men familiarly; (5) one who frequents the houses of other people; and (6) one who is accustomed to sit at the door of the house.

*Note.*—The Pāli word *sapumā* is sometimes found rendered in old *pyattōns* and *kwèbōns* (decided cases of partition of property), as a woman who keeps a paramour. Such rendering is incorrect for this reason. The law provides that a man can divorce his wife who has no love for him. If a woman who keeps a paramour may not be divorced—for such would be the rule if *sapumā* is rendered as a woman who keeps a paramour—the two provisions of law become inconsistent and antagonistic. Hence *sapumā* should be taken to



mean a woman who treats men with familiarity. In some texts *samusa* is found instead of *sapumā* and it is then translated as a woman who is in the habit of uttering falsehoods.

The Buddha has exhorted women to observe the religious pre-Vannanā. cepts, to perform the five duties of a wife, and to avoid the following six kinds of faults, namely :—

(1) Drinking intoxicating liquors; (2) associating with loose women; (3) refusing to accept her husband's advice; (4) eating before her husband has done so; (5) keeping a paramour; and (6) frequenting the houses of other people.

There are six kinds of faults in a wife, namely :—

Rāsi.

(1) Drinking intoxicating liquors; (2) associating with evil persons; (3) refusing to accept her husband's advice and to act according to his wishes; (4) eating before her husband has done so; (5) keeping a paramour; and (6) frequenting the houses of other people. A good woman should avoid these six faults and attend to her husband's welfare and comfort.

[Substantially the same as Kaingza.]

Ditto.

The six faults in wives are :—

Vinicchaya.

(1) Drinking intoxicating liquors; (2) being on familiar terms with other men; (3) spending her time in the houses of other people; (4) habitually sitting at the door of the house; (5) neglecting the household duties; and (6) quarrelling with her husband.

[Substantially the same as Vannadhamma.]

Manu-  
vannanā.

The six faults in wives are :—

Pakāsant.

(1) Drinking intoxicating liquors; (2) quarrelling with her husband; (3) performing the household duties inefficiently; (4) frequenting the houses of other people; (5) habitually sitting at the doorway of the house as if expecting somebody; and (6) treating other men with familiarity.

The six faults in wives are :—

Vicchedant.

(1) Drinking intoxicating liquors; (2) being given to uttering falsehoods; (3) fondness for disputing her husband's authority; (4) spending her time in the houses of other people; (5) associating with evil companions; and (6) being indolent in the discharge of her duties.

[The same as Pyu.]

Sōnda.

The following six kinds of women shall be treated like those who are given to frivolity, namely :—

Manu.

(1) One who is addicted to liquor; (2) one who does not perform the household duties; (3) one who speaks disparagingly of her



husband ; (4) one who frequents the houses of other people ; (5) one who habitually sits at the door of the house ; and (6) one who uses abusive language to her husband.

Pāṇam. The six faults in a wife are :—

(1) Drinking ; (2) neglecting her household duties ; (3) quarrelling with her husband ; (4) keeping a paramour ; (5) spending her time in the houses of other people ; and (6) habitually sitting at the door of the house.

Kungya-linga. The six faults in a wife are :—

(1) Indulging in intoxicating drinks ; (2) frequenting the houses of other people ; (3) being given to uttering falsehoods ; (4) idleness ; (5) fondness for quarrelling ; and (6) associating with evil persons.

Ditto. The six faults in a wife are :—

(1) Drinking ; (2) habitually sitting at the door of the house ; (3) frequenting the houses of other people ; (4) fondness for quarrelling ; (5) neglecting her duties ; and (6) conversing with other men on love affairs.

Warulinga, [Substantially the same as Waru.]

Dhamma-sāra. The six faults in a wife are :—

(1) Drinking ; (2) neglecting the household duties ; (3) quarrelling with her husband ; (4) frequenting the houses of other people ; (5) habitually sitting at the staircase ; and (6) treating other men with familiarity and coquetry.

Cittara. The six faults in a wife are :—

(1) Drinking ; (2) associating with evil persons ; (3) not abiding by her husband's advice ; (4) eating before her husband has done so ; (5) keeping a paramour ; and (6) frequenting the houses of other people.

Kyetyo. The six faults in a wife are :—

(1) Drinking ; (2) associating with evil persons ; (3) defying her husband's authority and disputing with him ; (4) eating before her husband has done so ; (5) violating the sacred laws of marriage by keeping a paramour ; and (6) frequenting the houses of other people. A woman should avoid these faults and attend to her husband's welfare and comfort.

Feminine nature is such that a wife is seldom true to her husband and does not scruple much to break the customary rules of her class (caste) or that of her husband. When she is left to herself she is apt to act just as she pleases without regard to consequences. Although the husband may be good to her all his life she sometimes acts ungratefully towards him.



The six faults in a wife are :—

Kyannet.

(1) Drinking ; (2) associating with evil persons ; (3) disputing her husband's authority ; (4) quarrelling with her husband ; (5) sleeping to excess ; and (6) spending her time in the houses of other people.

#### SECTION 223.

##### A HUSBAND AND WIFE FALSELY ACCUSING EACH OTHER.

The parents give their son and daughter in marriage desiring that the young couple should love each other and live peaceably. Notwithstanding this the wife finds fault with the husband without cause : she may be chastised by beating her on the back with a split bamboo or the bight of a rope. She shall not be beaten with a thick stick or club. If he does so he is not acting as a husband, because a thick stick or club is used only against an enemy. On the other hand, if the husband finds fault with the wife without cause, he may be exonerated from blame because the husband is the lord of the wife.

[Substantially the same as Kaingza.]

Kandaw.

If the wife finds fault with her husband, he may chastise her by beating her on the back or buttocks with a split bamboo, or the bight of a rope. He shall not administer a severer chastisement than that described, for then it would be like punishment meted out to slaves.

Vanna-  
dhamma.

[Substantially the same as Kaingza.]

Rat.

#### SECTION 224.

##### EITHER THE HUSBAND OR THE WIFE MAY OBTAIN A DIVORCE IF ONE OF THEM IS GUILTY OF MISCONDUCT.

If the husband is not virtuous and does not scruple to do evil deeds, while the wife on her part does not look upon her husband as her lord and master, but treats him as her slave, upbraids him unreasonably, and cares not to preserve the privacy of her chamber. They should, in such a case, mutually separate, and one shall not say to the other in excuse that he or she has not spoken harshly and is not to blame.

Manu.

A husband and wife quarrel because either fail in his or her duties towards the other, or both fail in their duties towards each other, and misconducts himself or herself. Whoso fails in his or her duties and misconducts himself or herself shall be suitably punished. Whoever is expelled from the house for misconduct may be re-admitted after due admonition by the relatives.

Rescript.



Kyannet. The husband may divorce his wife who indulges in intoxicating drinks in spite of his reproof, or who frequents dances and musical entertainments, associates promiscuously with every body, visits the houses of other people, disputes her husband's authority, disobeys him, steals his property or speaks harshly to him.

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SECTION 225.

A WIFE MAY REPUDIATE THE HUSBAND WHO, IN SEXUAL INTERCOURSE, BEHAVES LIKE THE LOWER ANIMALS.

Dhamma. A wife may repudiate her husband if he behaves like a lower animal in sexual intercourse and without any attempt at secrecy.

Manugyè. There are three ways of becoming man and wife, namely :—  
When a man and a woman are given in marriage by their parents ; when they are brought together through the intervention of a go-between ; and when they come together by mutual consent.

In some couples married by any of the ways described above, the husband or the wife may be like a beast. Thinking that marriage confers liberty of action without any restrictions as regards decency, some husbands unlike even the crow have sexual intercourse with their virtuous wives in the presence of other persons, thus, lowering themselves to the level of beasts. On the other hand, the husband may be virtuous, while the wife being disrespectful and disobedient, wicked and irreverent, or vile in her language, and devoid of shame, is like a beast. In the case of such a couple, if the one who is virtuous desires divorce, it shall be granted even if the other does not wish it ; no plea set forth by the husband who does not wish to divorce that he has not been cruel to his wife and that he has not taken a lesser wife, or by the wife that she has not committed adultery, shall have any weight. Divorce shall be granted as if desired by mutual consent, and partition of property shall be made accordingly.

Manu, the Rishi, says that the above rule applies to only three out of the seven classes of wives (namely, a wife who is like a master, thief or an enemy).

Ditto [Substantially the same as Dhamma.]

Manu. Manu, the Rishi, says that a wife may repudiate her husband who, in sexual intercourse, behaves like a beast.

Kingya-linga. [Substantially the same as Dhamma.]

Cittara. A wife may repudiate her husband who behaves indecently in the presence of other persons.



SECTION 226.

THE FIVE KINDS OF WIVES.

There are five kinds of wives, and five kinds of husbands. The Vilāsa.  
former are :—

(1) A purchased slave, (2) one who is inferior to the husband in birth or social status, (3) one who is higher than the husband in birth or social status, (4) one who is on the same level as the husband in social rank, and (5) a lesser wife.

The latter are :—(1) A purchased husband, (2) one who is lower than the wife in birth or social status, (3) one who is superior to the wife in birth or social status, (4) one who is on the same level as the wife in social rank, and (5) a second husband.

SECTION 227.

THE FIVE KINDS OF HUSBANDS.

[The same as in section 226.]

Vilāsa.

SECTION 228.

THE EIGHT KINDS OF HUSBANDS WHOM THE WIFE HAS THE RIGHT TO ABUSE.

The wife has the right to abuse any of the following eight kinds Kalngza.  
of husbands, namely :—

(1) One who is poor, (2) one who is a confirmed invalid (3) one who is physically emaciated, (4) one who is mentally weak, (5) one who is indolent, (6) one who is excessively amorous, (7) one who is old and decrepit, and (8) one who is deformed.

The eight kinds of husbands whom the wife has the right to abuse Dhamma.  
are :—

(1) One who does not earn anything for the support of the family, but lives on his wife's earnings; (2) one who is insane, leprous or epileptic; (3) one who, being physically weak and wanting in manliness, cannot work for the maintenance of the family; (4) one who is foolish, neither knowing nor adoring the three Gems, neither discriminating between a noble person and a mean one, nor between good and evil; (5) one who is indolent, though skilled in one or other of the arts; (6) one who is excessively lascivious; (7) one who is given to libertinism and has frequent intercourse with prostitutes; and (8) one who seduces the wives, daughters, and slaves of other persons, and is addicted to gambling and debauchery, necessitating frequent payment of compensation.



In any of the cases enumerated above, if the husband desires divorce, let there be divorce after dividing equally the property held in their joint possession.

Manugyè.

The eight cases in which a wife may abuse her husband with impunity are:—

(1) When the husband does not earn anything for the support of the family, but the wife alone does so, although they are in indigent and needy circumstances; (2) when the husband is insane or leprous; (3) when the husband lacks virile virtue, is physically weak, and cannot support the family; (4) when the husband is stupid, not knowing or adoring the three Gems and not being able to discriminate between good and evil; (5) when the husband is indolent spending his time in sleeping and eating notwithstanding his knowledge of the arts and sciences; (6) when the husband is excessively lascivious; (7) when the husband does not fulfil his conjugal relations with the wife, but consorts with loose and licentious women and prostitutes notwithstanding her protest; and (8) when the husband seduces the wives, daughters and slaves of other persons, and is addicted to gambling and debauchery and thereby frequently necessitating payment of compensation.

If the husband desires divorce and the wife consents to it, let there be divorce after dividing equally the property owned and possessed by them jointly. There is no rule permitting the husband to seek divorce against the wish of the wife and to obtain possession of the whole of the property on the ground that she abuses him when she does so under the circumstances enumerated above.

But, according to the sacred teachings, it is said that, considering the religious significance attached to the different sexes, and the fact that the husband is the lord and master of his wife, a married couple is sure to enjoy prosperity in their successive existences if the wife performs her duties towards her husband by helping him in his labours even when he is a hunter; and it is also said that she is a noble wife who respectfully acts according to her husband's wishes although she may not fully approve of them herself. Such a dutiful, respectful and obedient wife obtains immunity from punishment in hell and is on the high road to the celestial abodes and *Nirvāna*. When the sacred teachings say that a wife may not abuse her husband, it is incumbent on her that she should behave well towards him.

\*Kandaw.

[Substantially the same as Kaingza.]

Vanna-  
dhamma.

[Substantially the same as Kaingza.]

Rāst.

There are, according to the Manuyin Dhammathat, eight kinds of husbands whom the wife has the right to abuse, namely:—



(1) One who is very poor ; (2) one who is stricken with sickness ; (3) one who is infirm or physically weak ; (4) one who is stupid ; (5) one who is very lazy ; (6) one who is excessively lascivious ; (7) one who is very old ; and (8) one who is deformed.

To one who is in very needy circumstances marriage is a bane, and he becomes the laughing-stock of all.

The wife has the right to abuse any of the following eight kinds of Manu-  
husbands, namely :— vapnanâ.

(1) One who is poor ; (2) one who is a confirmed invalid ; (3) one who is physically weak ; (4) one who is mentally defective ; (5) one who is very indolent ; (6) one who is excessively amorous ; (7) one who is old and emaciated ; and (8) one who is deformed.

The wife has the right to abuse any of the following eight kinds of Manu-  
husbands, namely :—

(1) One who does not earn anything for the support of his family ; (2) one who is very talkative ; (3) one who has no capacity or ability ; (4) one who is very lazy ; (5) one who is stupid ; (6) one who is in the habit of consorting with prostitutes ; (7) one who is excessively lascivious ; and (8) one who is addicted to gambling.

The wife has the right to abuse any of the following eight kinds of Warulinga-  
husbands, namely :—

(1) One who is very poor ; (2) one who is stricken down with illness ; (3) one who is weak and infirm ; (4) one who is stupid ; (5) one who is very lazy ; (6) one who is excessively lascivious ; (7) one who is very old ; and (8) one who is deformed.

The wife has the right to abuse her husband if he does not possess Ditto,  
the good qualities of a husband (*vide* section 210).

#### SECTION 229.

#### THE THREE KINDS OF HUSBANDS WHO MAY BE PUT AWAY.

The three kinds of husbands who may be expelled from home and Kaingza,  
family are :—

(1) One who is insane ; (2) one who is very lazy in earning the support of the family ; and (3) one who is of vicious habits.

[Substantially the same as Kaingza.]

Kandaw.

[Substantially the same as Kaingza.]

Râsl.

[Substantially the same as Kaingza.]

Manu-  
vapnanâ  
Cittara.

The wife has the right to repudiate or put away a husband who  
is addicted to drink and gambling, and seduces the wives and



daughters of others, if he does not reform after she has publicly admonished him three times.

**Kyetyo.** If the husband gambles regardless of the welfare of his family, contracts debts, and neglecting the wife consorts with other women who can afford to supply him with money, the wife shall be released from the bond of marriage and conjugal relationship, and he shall be liable to liquidate all the debts. If he does not wish to release her from the bond he shall be punished.

#### SECTION 230.

THE WIFE MAY REPUDIATE A HUSBAND WHO IS SUFFERING FROM LEPROSY OR OTHER REPUGNANT DISEASE, OR WHO IS ADULTEROUS.

**Kaingza.** The wife has the right of refusing to cohabit with her husband who is adulterous, or is suffering from some repugnant disease. His share of the property on partition shall not, however, be lessened in any way.

**Dhamma.** The wife has the right to repudiate or put away her husband who is addicted to gambling and commits adultery, if he does not abandon his habits and reform in spite of his having undertaken to do so three times previously in the presence of wise elders and in writing.

**Kandaw.** [Substantially the same as Kaingza.]

**Rāsi.** [Substantially the same as Kaingza.]

**Manu-vāṇṇa.** The wife has the right of refusing to cohabit with her husband who is adulterous or is suffering from leprosy or some repugnant disease, but she shall not annex all the property. Thus have the wise decided.

#### SECTION 231.

OF THE HUSBAND AND WIFE, IF ONE IS UGLY, LEPROUS, OR SUFFERING FROM A LONG-STANDING DISEASE, THE OTHER SHOULD NOT REPUDIATE, BUT SHOULD TEND AND MAINTAIN HIM OR HER.

**Kaingza.** If a woman does not care to attend on her husband because he is ill or is afflicted with leprosy or has lost his youth and good looks, all the property in her possession shall be taken from her and she shall be criminally punished for three months.

Even if the husband is afflicted with a long-standing or loathsome disease, or becomes blind, or deaf, or even when he is wrath with her, the wife should attend and nurse him with the solicitude of



a mother, the loving-kindness of a sister, the sincere sympathy of a friend, the obedience of a pupil, and the subservience of a slave. Such a wife shall not be punished but shall be praised.

If a woman does not take care of her husband who has become insane, lame or blind, or is afflicted with disease, she shall be deprived of all her property. Myingun.

The wife who does not forsake her husband but attends on him although her parents and relatives repudiate or expel him because they dislike him or because of his suffering from a loathsome disease, is a noble woman. But if she forsakes him in accordance with the wishes of her parents and relatives, she shall be deprived of all her property and sent away. Between husband and wife each should perform his or her duties to the other, and whoever is remiss shall be punished. One should not loathe the other however loathsome that other may be, but should nurse him or her however repugnant that duty may be to others, and should put up with his or her impatience. There should not be any feeling of delicacy between them in nursing each other. Men and *nats* praise one who proves faithful and acts in the manner described above as long as he or she lives. Dhamma-  
thatkyaw.

If a woman does not attend and nurse her husband who has become afflicted with leprosy or other disease or has lost his youth and good looks, she shall be deprived of all her property and criminally punished for three months. Kandaw.

If a woman attends on her husband and nurses him with love and care although he may be wrath with her, or stricken with illness or afflicted with a loathsome disease, she ought to be praised and supported, and food and clothes shall be given her. Ditto.

If a woman does not attend and nurse her husband who has become leprous or has lost his youth and good looks, she shall be deprived of all her property and criminally punished for three months; but if the husband himself is at fault, she may be excused from the punishment, but shall still be liable to deliver up all her property. A wife should attend on her husband with the solicitude of a mother, the love and respect of a younger sister, the sincere sympathy of a friend, the obedience of a pupil, and the subservience of a slave. The husband should, in his turn, attend upon and look after his wife well. Vanna-  
dhamma.

[Substantially the same as Kaingza.]

If a woman deserts, and does not look after, her husband who as a consequence of his past demerit has been stricken down with RAsi, 1st &  
2nd extracts.  
Manu-  
varṇana.



illness, or is afflicted with leprosy, or has lost his youth and good looks, she shall be deprived of all her property and be criminally punished for three months.

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#### SECTION 232.

OF THE HUSBAND AND WIFE, IF THE ONE WHO BRINGS MUCH PROPERTY TO THE MARRIAGE BE SUFFERING FROM INSANITY, LEPROSY, OR BLINDNESS, THE OTHER SHOULD NOT REPUDIATE THE UNION.

Dhamma. In a married couple, if the wife does not bring any property to the marriage but the husband does so, she shall attend upon and look after him though he may become insane, leprous, consumptive, maimed, blind, or paralytic, or addicted to drink. If she fails to attend upon him and takes a second husband, the authorities shall punish her, and his relatives shall expel her. Even when she brings property to the marriage to the same extent as the husband, she shall still be liable to expulsion if she behaves in the manner described above. She shall not forsake him, even if he does not bring any property to the marriage. If she does so she shall be suitably punished.

Manugyè. O great king! In a married couple if the husband brings property to the marriage and the wife does not, she shall attend upon and nurse him when he becomes insane, leprous, consumptive, maimed, blind, affected with paralysis or takes to drink. If she fails to carefully attend on him and takes a second husband, the local authorities shall punish her, and his relatives shall expel her from the family. Even when she brings property to the marriage as much as the husband does, it is still her duty to attend upon him for the reason that neither of them has been previously married. If she behaves in the manner described above she shall be expelled. She shall not forsake him in his unfortunate condition even when she alone brings property to the marriage, if she does so, she shall be punished suitably, considering that the husband is the lord and master of the wife.

But if the husband drinks, gambles, and seduces the wives and daughters of other persons in spite of her repeated remonstrance and of his having undertaken already three times in writing and in the presence of wise and respectable persons to renounce his evil habits and to reform, she has the right to repudiate him; and in that case they shall divide their property equally between them. The husband should, on his part, attend upon and carefully look after his wife who may become leprous, insane, consumptive, maimed,



blind or paralysed. He may cease to have conjugal relations with her, and take a second wife, but shall not put her away altogether after taking all the property. If he forsakes her and does not look after her well, half their property shall be given to her children, parents, or relatives. If he neither looks after her nor gives her half the property, he shall be very severely punished, and be deprived of his property as well. In such a case, decision should be made in accordance with the principle laid down in the story of Queen Sambhūla.

[For a brief resumé of the story of Queen Sambhūla, *see* second extract from Rāsi in section 307.]

If, in a married couple, the husband becomes leprous, lame, blind, paralysed, or afflicted with disease, the wife should attend upon and look after him carefully. If she fails to do so, she shall be expelled. The same punishment shall be meted out to her even if she brings property to the marriage. If she takes a second husband she shall be awarded the usual punishment for such an offence. Cittara.

If the wife forsakes the husband who has become so insane as to discard his clothes, let him get all the property and let the wife go away from the house without any property whatever. But if she does not look after him because she thinks that he is not really insane or because she herself is of unsound mind, it cannot be said that she is at fault. In that case her share of the property jointly acquired shall not be withheld from her nor shall she be divorced; and if she is divorced at all, she is entitled to half the property jointly acquired. Kyanne

### SECTION 233.

#### HUSBANDS SHOULD ADMONISH THEIR WIVES.

Feminine nature is such that a wife is seldom true to her husband, and she does not scruple much to contravene the customary rules of her class (caste) or that of her husband. When she is left to herself she is apt to act just as she pleases, without regard to consequences. Although the husband may be good and kind to her all his life, she sometimes acts ungratefully towards him. While loving and cherishing his wife, allowing her to be free and familiar with him, wishing that she may be well provided with food, clothes and ornaments, and respecting her relatives and regarding them with kindness, the husband should at the same time admonish her to shun evil persons, to refrain from evil-deeds, to be faithful to him, to be affable in speech and to avoid frequenting the houses of other persons. When a good and wise husband with forethought Vilāsa.



and far-reaching judgment admonishes his wife, she should abide by his admonitions. In the same way as the five great rivers and five hundred small ones lose even their very names on entering the sea and come to be considered as the sea itself, so also should a wife follow the virtuous example of her husband and identify herself with him. He should not be governed by his wife. So says Rishi Manu.

Myingun. If the wife behaves disrespectfully towards her husband in the presence of other persons, uses vile language and conducts herself in a shameless manner, she shall be severely punished. So says Manu, the Rishi.

Manugyà. [Substantially the same as Vilâsa.]

Warulinga. The husband has the right to chastise his wife who misconducts herself.

Kyetyo. [Substantially the same as Vilâsa.]

#### SECTION 234.

WHEN THE DISPARAGEMENT OF THE HUSBAND OR WIFE BY  
THE OTHER MAY BE BELIEVED.

Kaingza. A man and a woman are given in marriage by their parents with the desire that they should be of one mind and should live peaceably and amicably. If, however, they quarrel and speak disparagingly of each other, what one may say of the other in the heat of quarrel should not be believed. But what is said of each other in cooler moments, may be credited. Anything said by one in praise of the other may, however, be always believed.

Kandaw. [Substantially the same as Kaingza.]

Râsi. [Substantially the same as Kaingza.]

#### SECTION 235.

A HUSBAND MAY GIVE AWAY PUBLICLY, TO ANOTHER MAN,  
A WIFE WHO HAS MANY FAULTS.

Kyannet. A wife may be divorced if she does not look after her husband's clothes and meals, neglects the management of the house, takes no part in the acquisition of property, wastes that already acquired, has the habit of eating stealthily out of his presence, or of speaking disparagingly about him, does not herself attend upon him or make some one else do so in her stead, does not allow herself to be guided by him or does not obey him.



The husband may give away publicly to another man a wife who <sup>Kyannet.</sup> eats before he has done so, or stealthily in his absence; or who is of reprehensible conduct, is not of one mind with him, or is very passionate and fond of wrangling; or who associates with drunkards, does evil deeds, frequents the houses of other people, or keeps a paramour. He to whom she is given shall obtain her and marriage shall be dissolved between her and her husband. Such an action, however, shows want of love in the husband.

According to the sacred teachings, an action of this kind is improper because women are by nature fickle, and every man may have a hold on her affections. He who cannot control her has to resign her to him who can. The religious view of the case does not agree with the principle underlying the Dhammathat rule.

#### SECTION 236.

##### THE HUSBAND TO GUARD THE WIFE.

The husband should see that his wife does not go about alone, <sup>Mānussika.</sup> and she should be kept continually employed in looking after the property, slaves, &c., and in doing her household duties, such as cooking, &c. He should keep continual watch over her. Women are by nature dependant: they are guarded by their parents when they are young, and by their husbands when they marry, and they are supported and looked after by their children or grandchildren when they grow old. The husband should therefore guard and support his wife by treating her kindly and familiarly, by providing her with food and furnishing her with clothes and ornaments, permitting her to support her parents and relatives, and at the same time admonishing her to avoid evil company, not to loiter about in the houses of other people, and chastising, or threatening to chastise, her when she misconducts herself.

Women are by nature fickle. Whether or not their husbands are <sup>Ditto.</sup> good and kind to them, when left alone or when they get an opportunity they give way to their wishes in the disposal of property, in the performance of charitable works, in the preparation of meals, as well as in other matters, and sometimes prove faithless to their husbands. They have vacillating minds, and are inconstant in their affections and ungrateful towards their husbands. Though such is the nature of women, a good husband may by careful supervision and wise admonition reclaim his wife from her evil ways.

Women, from their very nature, require to be looked after by <sup>Ditto.</sup> guardians when they are still unmarried, and to be guarded by husbands when married.



- Mānussika.** Women should not be permitted to go about alone. They should be continually watched. They should be kept continually employed by appointing for them as much work as possible. In their youth they are guarded by their parents, and when they are married they are guarded by their husbands, and on the death of the latter they are supported and cared for by their children or grandchildren. They are by nature always dependent. Husbands should look after their wives, and if they do not wish to do so, they should entrust them to the care of their parents and relatives.
- A stranger will not look after a woman even when she has no husband or sons. The wife therefore should be watched by the husband. Even then it is not easy for him to do so. He can only keep her continually employed in looking after the property, in trade, and in preparing meals.
- Ditto.** A woman cares not whether her husband is good and kind to her. If she does not love him but loves another man, she behaves ungratefully to the former. He should therefore continually keep watch over her.
- Pyu.** It is only after marriage that women are at liberty to do what they please; before marriage they are under the control of their guardians.
- Ditto.** Women shall not be permitted to go where they like unattended. They should be carefully guarded, and they should be kept continually employed by various and multifarious work. Women are guarded by their parents when they are young, and by their husbands when they grow up and are married. If the husband does not guard and watch over his wife much trouble and sorrow will be the result.
- Ditto.** Women seldom consider whether their husbands are kind or unkind to them when they are faithless to their husbands. They have vacillating minds, and being loved by other men as well, and forgetful of the debt they owe their husbands, they find it difficult to control themselves and remain faithful. Therefore strict watch should be exercised by husbands over their wives in order that they may remain pure and faithful. In the same way as the rivers which flow into the sea lose their identity and come to be considered as the sea itself, so, when married to a good and virtuous husband, a woman loses her individuality and assimilates his virtues. The control and the care of children, grandchildren, and slaves are the proper duties of a woman.
- Myingun.** Husbands should not permit their wives to go unattended. They should keep their wives continually employed by giving them



such work as to fill up all their time. Women are by nature dependent, being guarded by their parents when they are young, and by their husbands when they marry, and when they grow old they are supported and looked after by their children. When, owing to want of control and supervision, a woman misconducts herself and causes dissolution of marriage, she brings shame and misery on herself and tarnishes the reputation of all her kinswomen up to the seventh generation preceding her.

Women are by nature fickle and apt to be faithless to their husbands and foster feelings of criminal affection for other men; but if the husbands carefully keep watch and wisely admonish them, they may be made to lead pure lives. Because a woman may become identified with her husband who is good and virtuous in the same way as the rivers on reaching the sea lose even their very names and come to be considered as the sea itself. Women are controlled by their parents when they are young, and by their husbands when they are married, and are supported and tended by their children when the latter are grown up. But it is very difficult for one to control another. Self-control is the most efficient of all kinds of control. Dhamma-  
thatkyaw.

As it is not an easy task to control a wife, a husband should exercise strict watch over his wife and admonish her wisely. A married woman is like the river that flows into the sea, and she should therefore obey her husband and act according to his wishes. Rast.

[The same as the first extract from Pyu.] Sonda.

[The same as the second extract from Pyu.] Ditto.

[The same as the third extract from Pyu.] Ditto.

A woman should be carefully looked after by her parents before marriage and by her husband after marriage. When he goes on a journey she should be left in charge of his or her parents, and his parents should take care of her if she is entrusted to them. She is seldom able to control herself and remain strictly faithful to her husband. Kyetyo.

When women are married they are controlled by their husbands. Kyannet.

Women are guarded by their parents when they are still young, and by their husbands when they are married, and they are supported by their children or grandchildren when they are left widows. Ditto.

Women are incapable of controlling either themselves or other women. Their husbands are the proper persons to control them. In the absence of such control their parents and relatives or those Ditto.



of their husbands should control them. In all classes of people women are dependent on their husbands and therefore husbands should look after their wives properly.

Kyannet. Women are apt to do evil when they have an opportunity without considering whether their husbands have been kind or unkind to them. It is difficult to control women, because they are by nature fickle and apt to love other men. But a wise and good husband may try and keep his wife pure and faithful in the same way as river water on entering the sea becomes blended with it. Husbands should, therefore, keep strict watch over their wives.

It is an honour to a woman to have children, and it is her duty to look after her children, grandchildren, and slaves.

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#### SECTION 237.

##### FAMILY RELATIONSHIP EXPLAINED FIGURATIVELY.

Mānussika. A person's spiritual and temporal welfare is assured only by having a son. Women bring forth children, and they are therefore like the soil and men are like the rain. Husband and wife are like the rain and the soil respectively.

Vilāsa. Women are like the soil while men are like the rain. The soil and the rain together bring forth flowers and fruits, and these latter are like the offspring of a marriage. Children are obtained only when the relationship between the husband and the wife is like that between the soil and the rain, one supplying the needs of the other and both acting in concord.

Dhamma-  
thatkyaw. The prosperity or otherwise of a married couple may best be explained by the similitude between them and the soil and rain. Even if the soil is fertile, it may not be productive if the rain is insufficient; similarly, there may be no produce if the soil is barren, though there may be abundant rain. When the soil is barren and the rain insufficient there cannot be any produce. It is only when the soil is fertile and the rain abundant that a plentiful and luxuriant crop may be expected. In human beings the wife is like the soil and the husband like the rain. If, in a married couple, the wife is good and virtuous but the husband is not, they may not obtain children and enjoy prosperity; if, on the other hand, the husband is good and virtuous but the wife is not, they may not be blessed with children and prosperity. There certainly cannot be prosperity when both husband and wife lack goodness and virtue. It is only when both husband and wife are equally good and virtuous, and clever and wise, and when one is the helpmate of the other, both trying to ac-



quire property jointly and agreeably, that they are well and harmoniously matched like the soil and rain or gold and emerald, and will assuredly obtain many children, have several slaves and attendants, and get more and more prosperous like the rising sun and the waxing moon. For this reason Manu, the Rishi, says that husband and wife should live agreeably, peaceably and economically.

[Substantially the same as Vilāsa.]

Manugyē.

In a married couple, the wife is like the soil, the husband like the rain, and the produce of the soil like the children of the marriage.

[Substantially the same as Vilāsa.]

Kyetyo.

### SECTION 238.

#### THREE CAUSES OF CONCEPTION AND OF BARRENNESS.

There are three causes which tend to assist conception in a married woman, and also three causes which prevent it. The latter are :—

(1) Consequences of evil-deeds of the husband and of the wife in previous existences ; (2) destruction of the semen by microbes ; and (3) abortion.

### SECTION 239.

#### THE EVIL CONSEQUENCES OF A UNION BETWEEN AN OLD MAN AND A YOUNG WOMAN.

It is scandalous for a man well advanced in years to marry a girl who is so young as to be taken for his grand daughter. The teachings of the Buddha also say that ruin will inevitably result from the union of a man of seventy years with a girl who has just attained puberty.

One who is wet and suffering from a chill does not relish the cool atmosphere of a clear moon-light night ; and the genial warmth of the sun becomes intolerable to one who is already overheated. In much the same way a young girl cannot be happy if united to a very old man, and the union cannot last long. The following is an instance of the disastrous results from ill-assorted couples where there is great disparity of age between the parties.

In former times there lived in the city of Kosāsala a very wealthy man called Dhanañcaya. On the death of his first wife, he married again, though well advanced in years, and took to wife a very



young and handsome girl, the daughter of another wealthy man. Before long she met a young man of about her age to whom she became so firmly and devotedly attached, that the union with the old man had to be broken off.

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#### SECTION 240.

##### THE FIVE WAYS IN WHICH THE WIFE OR THE CHILDREN MAY BE CHASTISED.

**Mano.** If a person is offended with his children, grandchildren or slaves, he should not take any notice of the offence on the first occasion. But on the second occasion, they should be put to shame; on the third, they should be placed under confinement; on the fourth, corporal punishment should be administered to them; on the fifth, all the property previously given them should be resumed; and on the sixth, they should be expelled, but he should not show any outward sign of anger. The above are the five ways of chastisement.

**Manugyè.** If the wife is guilty of reprehensible conduct but not of adultery, the husband should, on the first occasion, gently admonish her and take no further notice of the incident. If children demean themselves by behaving disrespectfully towards their parents, the latter should, on the first occasion, allow the matter to pass in silence; but on the second occasion, the offenders should be put to shame by temporarily refusing them the shelter of the house or by discontinuing their allowances; on the third, they should be exposed in the sun after having their hands and feet bound together; on the fourth, corporal punishment should be administered with a split bamboo; on the fifth, they should be deprived of all their property; and on the sixth, they should be expelled from the house.

If the wife repeatedly misbehaves herself the husband has the right to divorce her.

**Ditto.** If children are repeatedly guilty of disrespect and disobedience and would not be admonished by their parents, they should be deprived of all their property and shall not be entitled to inherit their parents' estate. They deserve to be set upon by dogs.

**Ditto.** If children subsequently reform, act according to their parents' wishes and also support them, they shall again become entitled to inherit, their former disqualification being removed by their renunciation of their bad habits; because, a person who transmigrates from the infernal world may yet be born in the celestial abodes by the practice of virtues leading to them. So says Rishi Manu, the son of the Lord of the Brahmas.



If a man is greatly provoked because his wife, child, pupil or slave has offended him, he should not, on the first occasion, say anything or take any notice of the offence. But on the second occasion, the offender should be publicly put to shame; on the third, he or she should be bound and put out in the sun; on the fourth, corporal punishment should be administered with a split bamboo on the back; and on the fifth, the whole of the property given to the offender should be resumed. If these five modes of chastisement fail to produce the desired effect he should not evince any anger for any offence committed thereafter, but should forthwith expel the offender from the house. A severer punishment causing grievous wounds on the head, the maiming of the hands or feet, or the deprivation of the sight of the eye, would be like vanquishing and punishing a foe, and the act itself is liable to criminal cognizance.

If a man is offended with his children, he should not take any notice of the offence on the first occasion. But on the second, they should be put to shame; on the third, they should be tied up and exposed in the sun; on the fourth, corporal punishment should be administered to them with a split bamboo; on the fifth, all the property previously given them should be resumed; and on the sixth, they should be expelled. The above are the five modes of chastisement.

If a person is offended with his children, grandchildren, or slaves, he should not take any notice of the offence on the first occasion. But on the second occasion, they should be put to shame; on the third, they should be kept bound and confined; on the fourth, corporal punishment shall be administered to them with a split bamboo; and on the fifth, they shall be deprived of all their property and expelled from the house.

A wife shall not be chastised like a slave, as by kicking, striking with the elbows, or slapping on the cheeks; she shall be chastised by beating her on the back and buttocks with a cane, split bamboo, or the palm of the hand.

If parents are provoked by their children's disobedience and insolence, such as abusing or lifting their hands against them, they should, on the second or third occasion, expel the offender from home. On the fourth, they should be disgraced by being kept bound hand and foot; on the fifth, they should be tied up and placed in the sun; on the sixth, they should be beaten with a split bamboo; on the seventh, everything in their possession should be resumed; and on the eighth, they should be deprived of all their property and expelled from the family.



If the husband is provoked by his wife through her abusing him treating him like a slave, the same procedure as that described above shall be adopted in chastising her. If he desires a divorce, it shall be granted even if she does not wish it, and separation shall be made as though it were by mutual consent.

If the children subsequently reform renouncing their old habits and abide by their parents' admonition, they shall again become entitled to inherit. Similarly, if the wife reforms and acts according to her husband's wishes, he shall not divorce her. Having repented of their past folly and having learnt to behave well, they have every hope of being reborn in the celestial abodes or of attaining *Nirvāna*.

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#### SECTION 241.

##### THE THREE KINDS OF CAPTIVE WIVES.

Manugyè A captive taken from villages or places in the neighbourhood of a battle-field is known as *thōnya*. A captive taken on the actual field of battle or rescued from the hands of others is known as *panya*. A captive taken on the field of battle and whose life has been spared is known as *letya*.

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#### SECTION 242.

##### PERSONAL PROPERTY OF THE HUSBAND.

Cittara. The following are the personal property of the husband, namely :—  
Personal attendants, elephants, ponies, sword, and men's wearing apparel, such as *paso* (loin cloth), jacket, and turban.

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#### SECTION 243.

##### PERSONAL PROPERTY OF THE WIFE.

Cittara The following are the personal property of the wife, namely :—  
Wearing apparel such as *tamein* (skirt), long sleeved coat, jacket, belt, and weaving and spinning appliances.

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#### SECTION 244.

WHEN THE HUSBAND GOES AWAY ON A JOURNEY AFTER MAKING PROVISION FOR THE MAINTENANCE OF HIS WIFE, SHE SHALL AWAIT HIS RETURN; EVEN IF NO SUCH PROVISION IS MADE, SHE SHALL WAIT TILL THE PRESCRIBED PERIOD HAS EXPIRED.

Pyu. The husband shall make adequate provision for the maintenance of his wife when he goes on a journey, and the wife shall wait till



he returns. If he does not make such provision she shall wait six years maintaining herself by honest means.

If the husband desires to go on a journey, he shall make provision for the maintenance of his wife, and she shall wait for his return. But if he goes away without making any such provision on the pretext that he is compelled to do so by Government duty, she shall await his return for eight years maintaining herself by honest means. Vilāsa.

A man shall make provision for the maintenance of his wife, children, and slaves before he starts on a journey, and she shall await his return leading a life of blameless reputation in the meantime. Kingza,  
1st & 2nd  
extracts.

But if the husband leaves home to acquire property, to gain learning or to perform some meritorious work, or for the purposes of a war, the wife shall await his return and behave well in the meantime although he may not have made any provision for her maintenance. If she misbehaves herself and does not wait for his return, he shall, on returning after the lapse of a year, send her away after taking all the (joint) property. If she repents, she shall be allowed to return to him after having bound herself in the presence of others to behave well and with propriety. If she does not choose to return, she shall restore double the presents given by him at the time of marriage.

If the husband goes on a journey, he shall make adequate provision for the maintenance of his wife, and she shall remain faithful and await his return performing her usual daily routine of work in the meantime. Myingun.

If the husband goes on a journey, he shall make adequate provision for the maintenance of his wife and children, and she shall await his return remaining faithful and exercising economy. If he does not make any such provision having to leave home suddenly on an errand from a person in authority she shall try and maintain herself and wait eight years, provided that she hears good news of him. If she hears no news of him she shall be at liberty to do as she pleases after the lapse of eight years. Dhamma-  
thakya.

If the husband goes on a trading journey without making any provision for the maintenance of his wife and children, she shall wait for him three years. If she takes a second husband before three years have elapsed, the former husband shall, on returning home, allow her a year's time to leave the second husband and to return to him. If she does not, he shall take all the household property and she shall be released from all conjugal obligations to him. Ditto.



Kandaw. [Substantially the same as the second extract from Kaingza.]

Vanna-dhamma. If the husband desires to go on a journey, he shall make provision for the maintenance of his wife. If notwithstanding such provision she misconducts herself, he shall on his return make her bind herself to behave well and then receive her. If she refuses to come to him, he shall make her restore double the presents given by him at the time of marriage and release her from the bond of marriage.

Vannanā. If the husband goes on a journey, he shall make adequate provision for the maintenance of his wife, and she shall await his return behaving well in the meantime.

But if he goes away without making any such provision on the pretext of having some public errand or to gain knowledge, she shall behave well and wait for him eight years.

Rāst. If the husband desires to go on a journey, he shall make provision for the maintenance of his wife sufficient to keep her well during his absence, and she shall behave with propriety and await his return. If he goes away on some public errand or to gain knowledge without making any such provision, she shall wait eight years maintaining herself in the meantime by honest means.

Ditto. If the husband goes on a journey, he shall make suitable provision for the maintenance of his wife, and she shall remain faithful to him performing her usual daily routine of work.

Ditto. The husband shall make provision for the maintenance of his wife, children, and slaves, and also arrangements for keeping them properly occupied with their work before setting out on a journey; and the wife shall conduct herself well and await his return.

Ditto. But if she does not wait, he shall on his return after the lapse of a year take possession of all the property and send her away. If she repents he shall receive her on her undertaking in the presence of others to conduct herself well in future. If she does not desire to return to him, she shall restore double the presents given by him at the time of marriage.

Manu-vannanā. If a man desires to make a journey to a distant land, he shall first make provision for the maintenance of his wife. If he does not make such provision she shall wait for him eight years, after the expiry of which she shall be at liberty to marry again. If, on his return, he refuses to receive her although her second husband restores her to him, she shall retain the property brought by him to



the marriage (*payin*). If he does not bring any property to the marriage he shall give her thirty ticals of silver as his *kobo*.

If, however, she refuses to return to him, he shall take possession of all the property in their joint possession as well as the property given her by him at the time of marriage and that brought by him to the marriage, and shall expel her from home. Manu-  
vaṇṇanā.

If the husband goes on a trading journey, he shall make adequate provision for the maintenance of his wife, and she shall await his return for eight years. If she marries again within eight years, all the property belonging to them shall be seized, she shall be compelled to liquidate all debts, and she herself shall be sold. If she marries again during his absence as no provision is made for her maintenance, she cannot be blamed because she is left unprotected and unprovided for. The second husband shall not be accused of adultery, but he shall restore her to her former husband. Similarly, she cannot be blamed if she marries again after the lapse of the period specified for her to wait. The second husband shall restore her to the former husband. Rājabala.

[The same as Pyu.]

Sōnda.

If the husband goes on a journey without making any provision for the maintenance of his wife, she shall wait eight years, after the expiry of which she shall be at liberty to marry again. The second husband shall however restore her to her former husband on his return; and if he refuses to accept her she shall take all the property he has brought with him. If he does not bring any property he shall pay her his *kobo*. Pānārā.

If the husband who has gone on a trading journey does not send news or means of living to his wife for three years, and if she is in consequence reduced to want and poverty, she may take a second husband after intimating the circumstances to the elders of her village. She shall not be blamed for her action. Waru.

If the husband goes on a journey to acquire property, to gain knowledge or to perform works of merit, he shall send news and means of living to his wife once in every three years. Notwithstanding such attention from the husband if the wife takes a second husband, all the property belonging to them shall be seized and she herself may be sold. Cittara.

[Substantially the same as Vilāsa.]

Kyetyo.

If the husband goes on a journey, he shall make provision for the maintenance of his wife, and she shall await his return. Kyannet.



## SECTION 245.

THE PERIOD DURING WHICH THE WIFE SHALL REMAIN UNMARRIED WHEN HER HUSBAND GOES ON A JOURNEY AND CONTRACTS A SECOND MARRIAGE.

- Pyu. If a man goes on a journey and contracts a second marriage in a distant place, his former wife shall wait for him three years.
- Vilāsa. If a man goes on a journey and contracts a second marriage in a distant place, his former wife shall wait for him three years. This rule applies when the husband does not wish to resume conjugal relations.
- Kaingza. If a man goes on a journey and contracts a second marriage, his former wife shall wait for him three years. If she does not wait till the expiry of the period specified, let her husband take the property and slaves and send her away.
- Myingun. If the husband goes away on a trading journey, the wife shall wait for him eight years; if he goes away in search of learning or knowledge and does not make any provision for her maintenance, she shall wait for him six years. But if she learns that he has taken a wife at the place at which he is sojourning she shall wait for him three years, after the expiry of which period she shall be at liberty to marry again.
- Dhama-  
thatkyaw. If the wife hears that her husband who has gone on a journey has married again, she shall wait for him three years, after the expiry of which period she may marry again; and she shall not be held blameworthy if she does.
- Kandaw. [Substantially the same as Kaingza.]
- Vañṇanā. If the husband who has gone on a journey marries again in a distant place, his former wife shall wait for him three years.
- Manuyin. If the wife receives news that her husband has married again in a distant place to which he had gone, she shall wait for him three years.
- Rāsi. If the husband marries again in a distant place, his former wife shall wait for him only three years. This rule applies when the husband does not wish to resume cohabitation.
- Ditto. If the wife hears that her husband has married again in a distant place, she shall wait for him only three years, after the expiry of which period she shall be at liberty to marry again.



If the husband who has gone on a journey marries again, his <sup>Rast.</sup> former wife shall wait for him three years. If she does not wait, let the husband take the property and slaves and send her away.

If the husband who has gone on a journey marries again, his <sup>Vicchedant.</sup> former wife shall wait for him three years. If he does not return after the expiry of that period, let her take possession of all the property and free him from all conjugal obligations to her.

[The same as Pyu.]

<sup>Sōnda.</sup>

If the husband goes to a distant place for trading purposes, or <sup>Manu.</sup> for the sake of study, the wife shall wait for him eight years. But if he marries again at that place and does not write to her for three years, she shall be at liberty to marry again. If, however, he writes to her, she shall not marry a second husband, and if she does so she shall pay the first husband her *kobo*.

[The same as Manuyin.]

<sup>Kungya-  
linga,  
Kyetyo.</sup>

If the husband who has gone to a distant place marries again, his former wife shall wait for him three years. If she marries before that period has expired, let the husband demand the restoration of all his bridal presents, and when he has obtained them all let him expel her from the house. This rule applies when the husband does not wish to resume cohabitation.

If the husband who has gone on a journey marries again at a <sup>Kyannet.</sup> distant place, his former wife shall wait for him three years. If she marries before the expiry of that period, let the husband resume all the bridal presents, obtain possession of the dowry and other property, and expel her from the house.

#### SECTION 246.

THE PERIOD DURING WHICH THE WIFE SHALL REMAIN UNMARRIED WHEN HER HUSBAND GOES ON A JOURNEY TO ACQUIRE PROPERTY.

If the husband goes on a trading journey, the wife shall remain <sup>Pyu.</sup> unmarried waiting for him eight years.

O great king! If the husband returns to his parents, the wife <sup>Waru.</sup> shall wait for him three years; if he goes away to acquire property, she shall wait for him four years; if to acquire knowledge or learning, six years; and if to a war, eight years.

If the husband goes to a war, the wife shall be released from the <sup>Kaingza.</sup> marriage bond after six years' absence of the husband; if he goes



away to acquire property, after seven years' absence; if to perform meritorious deeds, after eight years' absence; and if to gain knowledge or learning, after ten years' absence. Because, she has, during all these years, shown great forbearance by patiently remaining unmarried and awaiting his return. If, however, she contracts a new marriage before the expiry of the period specified in each of the cases enumerated above, she shall not be released from the bond of her former marriage, and her former husband shall obtain her on his arrival home.

Myingun. [The same as Myingun in section 245.]

Dhamma. If the husband goes away to acquire property or to gain knowledge or learning, the wife shall remain unmarried awaiting his return for eight years.

Manugyè. [Substantially the same as Dhamma.]

Kandaw. [Substantially the same as Kaingza.]

Vanna-dhamma. If the husband goes to a war, the wife shall remain unmarried awaiting his return for six years; if he goes away to acquire property, she shall so remain for seven years; if to perform meritorious deeds, eight years; and if to gain knowledge or learning, ten years. After the expiry of the period specified in each of the cases enumerated above, the wife shall be at liberty to marry again; but she shall not be freed from the bond of her former marriage if she marries again before such expiry.

Manuyin. If the husband goes away on a trading journey without having made any provision for the maintenance of his wife, she shall remain unmarried waiting for him eight years, after the expiry of which she shall be at liberty to marry again.

Râsi. [Substantially the same as Pyu.]

Ditto. If the husband goes to a war, the wife shall be released from the marriage bond after six years of his absence; if he goes away to acquire property, after seven years' absence; if to perform meritorious deeds, after eight years; and if to gain knowledge or learning, after ten years. Because, she has all these years shown great forbearance by patiently remaining unmarried and awaiting his return.

Manu-vannanâ. [Substantially the same as Kaingza.]

Vicchedanî. If, without making any provision for the maintenance of his wife, the husband leaves home for trading purposes, she shall remain unmarried awaiting his return for eight years. Six years is the limit if he goes away to gain knowledge.



[The Same as Pyu.]

Sōnda.

If the husband goes on a trading journey after making adequate provision for the maintenance of his wife, she shall not marry again before eight years have expired. If she does so, all her property shall be seized and she herself sold. But if she conducts herself well during the eight years, all debts contracted by her in support of herself and family shall be liquidated by the husband on his return; and if one of her children or herself has become a slave in the meantime, he shall free him or her from bondage. Manu

If the husband leaves home for trading purposes or to gain knowledge or learning, the wife shall remain unmarried waiting for him eight years. If, however, the husband marries again at the place in which he is trading or acquiring knowledge, the wife has the right to marry again, provided that she does not receive any letters from him for three years. But if she hears from him, she shall not marry; if she does so, she shall pay her *kobo* to her former husband. Ditto.

If the husband goes to a war, the wife shall remain unmarried awaiting his return for six years; if to acquire property, seven years; if to perform meritorious deeds, eight years; and if to gain knowledge, ten years. After the expiry of the period specified in each of the cases enumerated above, the wife shall be freed from the marriage bond, provided that the husband does not in the meantime send her means wherewith to maintain herself; but if he does so, she shall still be bound by the marriage bond. Pānam.

According to the Myingun Dhammathat, if the husband goes on a trading journey without making any provision for the maintenance of his wife, she shall be at liberty to marry again after eight years have elapsed. Kungya-  
linga

If the husband goes on a trading journey, the wife shall remain unmarried waiting for him seven years. Ditto

[Substantially the same as Waru.]

Warulinga.

The wife shall remain unmarried waiting for her husband six years if he goes to a war; she shall so remain seven years if he goes to acquire property; eight years if to perform meritorious deeds; and ten years if to gain knowledge. She shall be at liberty to marry again after the expiry of the period specified in each of the cases enumerated above, provided that he does not send any letters or means of maintenance in the meanwhile. Cittara

If the husband goes away on a trading journey, the wife shall remain unmarried waiting for him eight years. Kyetyo.



## SECTION 247.

THE PERIOD DURING WHICH THE WIFE SHALL REMAIN UNMARRIED WHEN HER HUSBAND GOES ON A JOURNEY TO ACQUIRE KNOWLEDGE.

Mānussika. The husband shall make adequate provision for the maintenance of his wife when he is about to go on a journey, and she shall remain unmarried waiting for his return. When he goes away for the purpose of study, she shall remain unmarried for eight years if provision is made for her maintenance; but if no such provision is made, she shall remain unmarried for three years only.

Pyu. If the husband leaves home for the sake of study, the wife shall remain unmarried awaiting his return for eight years.

Vilāsa. If the husband leaves home to acquire knowledge or fame, the wife shall remain unmarried waiting for him eight years.

Waru. [The same as Waru in section 246.]

Kaingza. [The same as Kaingza in section 246.]

Myingun. [The same as Myingun in section 245.]

Dhamma-thakkyaw. If the husband leaves home to acquire knowledge or fame, the wife shall remain unmarried waiting for him eight years, provided that she does not hear from him in the meantime.

Dhamma. If the husband leaves home for the purpose of acquiring knowledge or for trading purposes, the wife shall remain unmarried awaiting his return for eight years. If, however, the husband marries again at the place of his sojourn, she is at liberty to marry again after three years have expired. The rule refers to the case where the husband does not send any letters or means of maintenance to the wife during his absence from home.

Manugyè. [The same as Manugyè in section 246.]

Kandaw. [The same as Kandaw in section 246.]

Vanna-dhamma. [The same as Vannadhamma in section 246.]

Vannanā. [The same as Vannanā in section 244.]

Manuyin. If the husband leaves home for the purpose of acquiring knowledge, the wife shall remain unmarried waiting for him six years.

Rāsi. If the husband goes away to acquire knowledge the wife shall remain unmarried waiting for him six years, provided that he does not make any provision for her maintenance.



[The same as the second extract from Râsî in section Râsî.  
246.]

[The same as Manuvannanâ in section 246.]

Manu-  
vannanâ.  
Vicchedanî.

[The same as Vicchedanî in section 246.]

[The same as Pyu.]

Sônda.

The wife has the right to marry again if the husband who has left home to acquire knowledge does not write to her or send her any means of maintenance for three years. If she marries before three years have expired she shall pay her *kobo* to her former husband, and the second husband shall be liable to prosecution for adultery. Ordinarily, the rule is that the wife shall remain unmarried waiting for her husband eight years, but when no news or means of maintenance reach her the period is reduced to three years.

[The same as the second extract from Manu in section 246.] Ditto.

[The same as Pânam in section 246.]

Pânam.

If the husband goes away to acquire knowledge, the wife shall remain unmarried waiting for him six years.

Kungya-  
linga.

[The same as Warulinga in section 246.]

Warulinga.

[The same as Cittara in section 246.]

Cittara.

If the husband leaves home for the purpose of acquiring knowledge or fame, the wife shall remain unmarried awaiting his return for eight years.

Kyetyo.

If the husband leaves home for the purpose of study or of acquiring fame after making provision for the maintenance of his wife, she shall conduct herself well remaining unmarried and awaiting his return for six years.

Kyannet.

## SECTION 248.

THE PERIOD DURING WHICH THE WIFE SHALL REMAIN UNMARRIED WHEN HER HUSBAND GOES TO WAR.

[The same as Waru in section 246.]

Waru.

[The same as Kaingza in section 246.]

Kaingza.

If the husband has to leave home on public service, or has to go to war or to quell a rebellion without having time to make any pro-

Dhamma.



vision for the maintenance of his wife, she shall remain unmarried and wait for him till the return of the regimental or company officer to whom he was attached. If she marries again previously, she shall pay compensation to her husband according to law. But if he is detained by his superior officer on garrison duty, she shall wait for him eight years though she may not have received letters or means of maintenance. After the expiry of that period she shall be at liberty to marry again.

**Manugyè.** If the husband goes to a war or to quell a rebellion, being drafted to a regiment by the authorities, and he is thereby unable to make provision for the maintenance of his wife, she shall remain unmarried and wait for him till the return of the divisional or brigade officer to whose division or brigade he was attached. If she marries previously she shall pay compensation according to law. But if her husband is placed at an outpost by his superior officer, she shall remain unmarried and wait for him eight years, provided that he sends letters or means of maintenance to her. If he does not return after the expiry of eight years she may marry again.

**Kandaw .** [The same as Kandaw in section 246.]

**Vanna-dhamma.** [The same as Vannadhamma in section 246.]

**Râst.** [The same as the second extract from Râst in section 246.]

**Manu-vannanâ.** [The same as Manuvannanâ in section 246.]

**Manu.** If the husband goes to a war, the wife shall remain unmarried and wait for him six years. If, after the war, he is further detained on some public duty, she shall remain unmarried for eight years, after the expiry of which she may marry again.

**Pânam.** [The same as Pânam in section 246.]

**Kungya-linga.** There is no limit to the period during which the wife shall remain unmarried and wait for her husband when he is sent to war by the authorities and when, at its conclusion, he is detained on garrison duty.

**Warulinga.** [The same as Warulinga in section 246.]

**Cittara.** [The same as Cittara in section 246.]

**Ditto:** There is no limit to the period during which the wife shall remain unmarried and wait for her husband when, at the conclusion of the war in which he had to take part, he is detained by his superior officer on garrison duty.



SECTION 249.

THE PERIOD DURING WHICH THE WIFE SHALL REMAIN UNMARRIED WHEN HER HUSBAND GOES ON A JOURNEY TO PERFORM WORKS OF MERIT.

- |  |                   |
|--|-------------------|
| [The same as Kaingza in section 246.]                      | Kaingza.          |
| [The same as Kandaw in section 246.]                       | Kandaw.           |
| [The same as Vannadhamma in section 246.]                  | Vanna-<br>dhamma. |
| [The same as the second extract from Râsi in section 246.] | Râsi.             |
| [The same as Manuvannanâ in section 246.]                  | Manu-<br>vannanâ. |
| [The same as Pânam in section 246.]                        | Pânam.            |

If the husband leaves home to perform meritorious deeds so that he may not be re-born in the four infernal regions, the wife shall remain unmarried and wait for him eight years. If he leaves home to acquire knowledge, she shall remain unmarried for ten years. The rules laid down in the following Dhammathats, namely, the Seventh Chapter of Shwemyin, the Manuyin, and the Myingun, regarding the period during which the wife shall remain unmarried when the husband leaves home, vary greatly. It is for the wise to use their discretion in this matter.

- |                                       |          |
|---------------------------------------|----------|
| [The same as Cittara in section 246.] | Cittara. |
|---------------------------------------|----------|

If the husband leaves home with the intention of becoming a *Kyolyo. rahan*, the wife shall remain unmarried and wait for him eight years.

If the husband, without making provision for the maintenance of his wife, leaves home to perform meritorious works, she shall remain unmarried and wait for him eight years although he may not be leading a commendable life.

SECTION 250.

DIVISION OF THE AGE OF MEN AND WOMEN INTO THREE PERIODS.

The age of a person is divided into three periods, namely, that from birth to the age of sixteen years, and known as *bala*; that from the age of seventeen to that of seventy, and known as *taruna*; and that after the age of seventy, and known as *vuddha*.



## SECTION 251.

THE HUSBAND HAS CONTROL OVER THE WIFE AND JOINT PROPERTY, WHILE THE WIFE IS ENTITLED ONLY TO WHAT HAS BEEN GIVEN HER BY THE HUSBAND.

Mānussika. The husband has control over the wife's property, but she has none over his. It is only with his permission that she has any control over his property.

Ditto. The husband has control over his wife and joint property ; she is entitled only to what is given her by him, and her expenditure is regulated by his wishes.

Vilāsa. The husband has control over the property of his wife, but the wife has none over that of her husband. She holds property only with his permission because the husband is the lord and master of his wife. Even in performing works of charity she has to obtain his consent. Therefore, the wife should be guided by her husband and she should respect and obey him.

Myingun. The husband has control over his wife's property ; the parents over their children's. The wife shall not, without her husband's knowledge, give away to another even the property which she has acquired separately by her own personal skill or labour. He has control even over her person.

Dhamma-  
thatkyaw. The husband has control even over the property brought by the wife to the marriage, and she cannot alienate it at her pleasure without his consent. Because, the husband has control over her very person.

Dhamma. The husband has the right to repudiate the alienation of joint property made by the wife if such alienation is without his knowledge, but the wife shall not have the same right as against her husband.

Manugyè. The wife has not the right to give away property in charity without the knowledge of her husband on the ground that she is of the same class and rank as the husband. Great benefit does not accrue from such gifts of property in charity. She should perform charitable works only with his knowledge, for then only would she obtain the merit arising out of her love and respect for her husband and her confidence in him. The husband, however, has the right to give away property in charity or to make a gift of property to one through affection without his wife's knowledge and she enjoys the merit all the same. The wife has no right to object to the alienation of property made by her husband, but he may object to that



made by her because the husband is the lord of his wife. When both husband and wife jointly give away property in charity, the benefits which accrue are very great. But if neither of them is virtuous or charitable, they must have transmigrated from the animal world, and will, on their death, be re-born in the four infernal worlds. So says Rishi Manu.

In a married couple the husband has control over the wife's property. She holds property only with 'his permission.' Even when she desires to perform charitable works she has to obtain his permission. She should always respect and obey him. Vannanā.

The husband has control over his wife's property, but the wife has none over her husband's. She holds property with his permission because the husband is the lord and master of the wife. Even in performing works of charity she has to obtain his consent. Therefore a wife should be guided by her husband and she should respect and obey him. Rāśā.

The teachings of the Buddha contain the following story which supports the rule of the Dhammathat. One day King Vessantarā gave away his Queen *Maddi Devī*, having already given away his children the day previous. She did not show the least sign of anger, sorrow, or injured feeling, but with a natural and serene countenance looked at her lord and expressed herself thus :—

" My Lord and King ! You have every right to give me away to whomsoever you please. The person to whom I am given away may make me a slave, or sell me to another, or kill me. I am your first married wife and you have complete control over me, and, in giving away your wife, of whom you have an absolute right of disposal, I shall not in any way be provoked. So do with me as you please."

[The same as the second extract from Mānussika.] Sōnda.

In a couple in which the husband and wife belong to the same class and rank, the husband has the right to object to the wife giving away property in charity, but she has not the same right against him. Manu.

#### SECTION 252.

WHETHER, IN THE CASE OF A HUSBAND AND WIFE WHO HAVE BOTH BEEN MARRIED PREVIOUSLY, EACH HAS THE RIGHT OF ABSOLUTE DISPOSAL OVER THE PROPERTY BROUGHT BY HIM OR HER TO THE MARRIAGE.

The wife shall not alienate even her own property without her husband's knowledge. Mānussika.



Pānam. In the case of a couple who have each been married previous to their present union, the husband has the right to alienate to whomsoever he pleases the property brought by him to the marriage; but except as herein provided he shall not alienate the property brought by the wife to the marriage: over such property she alone has the right to alienate as she pleases. Provided that the husband may utilize his wife's property in payment of a criminal fine without previously obtaining her permission. If the husband find any property belonging to the wife in the possession of her paramour to whom she has given it secretly, he has the right to recover it.

#### SECTION 253.

A MAN MAY MARRY AS MANY WIVES AS HE CAN MAINTAIN.

Kaingza. A man may marry as many as ten wives if he can maintain them all by his own skill and labour. Although his parents may give him in marriage to another woman after he has already been married to one, the parents of the first wife shall not recover her.

Kāndaw. [Substantially the same as Kaingza.]

Pānam. [Substantially the same as Kaingza.]

### CHAPTER XI.

#### DIVORCE.

#### SECTION 254.

DIVORCE BY MUTUAL CONSENT BETWEEN HUSBAND AND WIFE, NEITHER OF WHOM HAS PREVIOUSLY BEEN MARRIED.

Waru. O great king! If both husband and wife mutually desire to divorce, they shall divide the debts and the jointly acquired property equally between them.

Ditto. As regards the children, the father shall take the sons and the mother the daughters. If, owing to the tender age of the son, he is left with the mother, and if she sells him on account of poverty, the father is entitled to half the proceeds of the sale. Similarly, if the father sells the daughter, the mother is entitled to half the sale-proceeds. So says Manu, the Rishi.

Ditto. O great king! If the wife is dependent on the husband, he shall obtain, when they separate by mutual consent, two-thirds of their property. So says Manu.

Dhamma. If either the husband or the wife belongs to a higher class than the other, and if the person belonging to the lower class does not



behave according to the wishes or the advice of the person belonging to the higher class, divorce shall be granted at the request of the latter, and partition shall be made as if the divorce were desired by mutual consent.

If the husband and wife both belong to the official class and if they mutually desire to separate, each shall take his or her official badges and insignia and other personal clothes and ornaments. Of the rest of the animate and inanimate property, whoever supplies the greater part of the capital by the employment of which property is acquired, shall receive two-thirds of the property so acquired. The remaining one-third shall be taken by the person who supplies the rest of the capital. If both contribute equally towards the capital they shall divide the property equally. If the clothes and ornaments belonging to the husband are much in excess of those belonging to the wife, the clothes and ornaments belonging to each shall be valued, and the husband shall pay half the difference to the wife. The same rule shall, *mutatis mutandis*, apply if the clothes and ornaments belonging to the wife are much in excess of those belonging to the husband.

As regards the children, the husband shall take the sons and the wife the daughters. If, owing to extreme youth, the son is left with the mother, she may sell him if she is in straitened circumstances, but she shall give half the price realized to the father. Similarly, if the husband sells the daughter, he shall give half the sale-proceeds to the wife. If, on the death of the mother, the father sells the daughter through poverty, she has no right to protest. Similarly, if, on the death of the father, the mother sells the son through want he has no right to protest. Because, parents own their children. If the father marries again, and the mother sells the daughter, he shall have no right to protest against the sale. Similarly, if the mother marries again, and the father sells the son, the mother shall have no right to protest against the sale. But if, after the subsequent marriages of both, the father sells the daughter and the mother the son, the price obtained for the son shall be given to the father, and that of the daughter to the mother. The reason is that the sale in such cases is for reasons other than poverty. If the son lives with the parent and step-parent he shall not be sold for a portion of any debt contracted by the step-parent, who shall pay his or her share of the debt to the parent. But if the step-parent has no children of his or her own, the parent shall not insist on the payment by the step-parent of his or her share of the debt; because, in such a case the son succeeds his step-parent. If, however, the step-parent has children of his or her own, the step-child shall con-



tribute one-eighth of the step-parent's debt. The parent's share of the debts, contracted during the former marriage shall be borne equally by the step-child and the children of the step-parent. As regards the house and household property, they shall be valued, and division shall be made according as they are the properties of the parent or of the step-parent.

RĀŚI.

If the husband and wife divorce by mutual consent, whoever is chiefly instrumental in the acquisition of the property shall obtain two shares and the other one share. Debts, if any, shall be liquidated in the same proportion. Each is entitled to the property (*payin*) which he or she brought to the marriage. No restitution can be claimed if such property is exhausted by use during their wedded life. As regards the children, let the father take the sons and the mother the daughters. If, through poverty, the father sells the sons, he commits no fault; he shall not, however, sell the daughters, and if he does so, he shall give half the price realized to the mother. The same rule shall, *mutatis mutandis*, apply if the mother sells the sons or the daughters through poverty. So says Manu, the Rishi.

Manu-  
vannanā.

If both husband and wife mutually desire to divorce, the animate and inanimate property acquired jointly by them shall be divided into three shares; the one who is the supporter (*nissaya*) shall receive two shares, and the other who is the dependant (*nissita*) one share. Debts, if any, shall be liquidated in the same proportion. If the wife brings much property to the marriage, by the use of which as capital property is acquired, and if she is chiefly instrumental in its acquisition while the husband mainly depends on her, then she shall be deemed the supporter (*nissaya*), and the husband the dependant (*nissita*). If, on the other hand, the husband brings the larger portion of the property which is used as capital, and if he is mainly instrumental in the acquisition of the joint property while the wife is maintained by him, then the husband shall be deemed the supporter (*nissaya*), and the wife the dependant (*nissita*). If the husband and wife prove to be helpmeets to each other, both in prosperity and adversity, they shall divide the property equally between them if they mutually desire to separate. The property (*payin*) which each brought to the marriage shall be obtained by its respective owner. If such property is exhausted during their wedded life, no restitution shall be claimed. As regards the children, let the father take the sons and the mother the daughters. If the father sells the sons he commits no fault, but if he sells the daughters he shall pay half the price to the mother. If the mother sells the sons she shall likewise pay half the price to the father.



If both husband and wife mutually desire to divorce, let the supporter take two shares out of the property jointly acquired, and the dependant one share. Debts, if any, shall be liquidated in the same proportion. Each is entitled to the property (*payin*) which he or she brought to the marriage. If such property is exhausted by use during their wedded life, there shall be no claim for restitution. As regards the children, the father is entitled to have the sons, and the mother the daughters. If either parent sells the children to whom he or she is not entitled, half the price realized shall be given to the parent who is entitled. Pānañi.

After separation from the first wife the husband takes a second wife; if, then, the first wife sells the children to whom the husband is entitled, she alone shall take the price realized. The same rule shall, *mutatis mutandis*, apply if the father sells the children to whom the mother is entitled after she has taken a second husband. Ditto.

If both husband and wife mutually desire to divorce, the jointly acquired property shall be divided equally between them. Kungyalinga.

According to the Manusāra-shwemyin Dhammathat, if both husband and wife mutually desire to divorce, the supporter shall receive two shares of the jointly acquired property, and the dependant one share. Ditto.

If the husband and wife divorce by mutual consent, they shall divide their property equally between them. Warulinga.

If there are children of the marriage, the husband is entitled to have the custody of the sons, and the wife of the daughters. If after such division the mother sells the sons through poverty, she shall give half the price realized to the father, and if the father sells the daughters he shall likewise give half the price to the mother. Ditto.

If the husband alone is instrumental in the acquisition of property, while the wife is maintained by him, then he shall be deemed the supporter (*nissaya*), and she the dependant (*nissita*). If the wife is the principal acquirer of property, while the husband depends on her, then she becomes the supporter, and he the dependant. If they mutually desire to divorce, the supporter shall receive two shares out of the (jointly acquired) property, and the dependant one share. Ditto.

If the husband and wife, neither of whom has been previously married, mutually desire to divorce, let each take his or her own clothes and ornaments. If the value of the clothes and ornaments possessed by one be much in excess of that of the clothes and ornaments possessed by the other, let the former make good half the difference to the latter. The rest of the property shall be divided Cittara.



equally between them. Debts, if any, shall be liquidated in the same way. But in the case of the supporter and the dependant, the former shall receive two-thirds. As regards the children, the husband is entitled to the custody of the sons, and the wife of the daughters. If, owing to tender age, the sons are left in charge of their mother, and if she, through want, debt, or distress, sells them, the father is entitled to half the price realized. If the father sells the daughters he shall make over half the price to the mother.

If either the husband or the wife marries again after divorce and sells the children to whom he or she is entitled, he or she becomes disentitled to the price realized by the sale. It shall be obtained by the parent who has refrained from selling the children. If the children live with their parent and step-parent, they shall not be sold for a portion of any debt contracted by the step-parent who shall pay his or her share of it to the parent. But if the step-parent has no children of his or her own, the parent shall not insist on the payment by the step-parent of his or her share of the debt, because in such a case the children inherit their step-parent's estate. If, however, the step-parent has children of his or her own, the step-children shall contribute one-eighth of the step-parent's debt. The parent's share of the debts contracted during the former marriage shall be liquidated equally by the step-children and the children of the step-parent.

Kyannet.

If both husband and wife desire to divorce, let them divide their property, clothes, and ornaments, and effect the separation in the presence of elders. The division of property shall be made as follows :—

The property jointly acquired shall be divided into three shares : the husband shall take two shares, and the wife one share. Debts, if any, shall be liquidated in the same proportion. Each shall take the property brought by him or her to the marriage. If it is exhausted by use during their wedded life no restitution can be claimed.

As regards the children, the father is entitled to the custody of the sons, and the mother to that of the daughters.

#### SECTION 255.

DIVORCE BETWEEN HUSBAND AND WIFE WHEN ONLY ONE PARTY DESIRES IT AND NEITHER OF WHOM HAS PREVIOUSLY BEEN MARRIED.

Mānussika.

If the husband desires to divorce his wife, he may do so after taking all her property and her belt and head-dress. If the wife desires to separate from the husband, her head shall be shaved and she herself sold.



If the husband desires to divorce his wife, he may do so after Pyy. taking from her such property as her belt, head-dress, &c., acquired during their wedded life. If the wife desires to repudiate her husband, he shall seize all the property, and she may be sold.

Listen O king! The husband and wife should perform towards Waru. each other the five duties incumbent on each. If either of them desires to separate from the other notwithstanding that other's due performance of the five duties, the party so desiring shall leave the house with only a suit of clothes and shall liquidate all debts. The party who does not desire the separation shall retain all the jointly acquired property. If there is neither debt nor acquired property, the party who desires the divorce shall pay his or her *kobo* to the other. So says Manu, the Rishi.

When only one party desires separation, the party so desiring shall Ditto. liquidate all debts, renounce all claim to the jointly acquired property; and leave the house with only a suit of clothes. If there is neither debt nor jointly acquired property, the party who desires the divorce shall give his or her *kobo* to the other and they shall then separate.

A man and a woman, neither of whom has been previously married, are given in marriage by their parents, or they come together as husband and wife by mutual consent. The law of divorce when either desires it notwithstanding that nothing can be imputed against the other, is as follows:—

If the wife desires the separation, she shall leave all the jointly acquired property with the husband, undertake the liquidation of all debts and bear all the costs of the suit. If there is neither acquired property nor debt, she shall give her husband thirty ticals of silver as her *kobo*. If the husband desires to divorce he shall leave all the jointly acquired property with the wife, pay all liabilities and bear the costs of the suit. If there is neither property nor debt, divorce shall be granted on his paying the costs of the suit, but he shall not be liable to pay his *kobo* to the wife as the husband is the lord of the wife.

If the husband desires to divorce his wife against whom no fault Kaingza. can be imputed he shall leave the house after giving up to her all the property including his turban, jacket, &c. If the wife desires separation for no fault of the husband, he shall take possession of all the property, and even sell her after shaving her head in four patches. Because, she commits an act which she should not commit.

If the husband desires to divorce his wife although she is not in Yazathat. fault, he shall take upon himself all the liabilities, and relinquish his claim to the whole of the animate and inanimate property. He



shall leave the house with only a suit of clothes on him ; and all conjugal relations shall cease between them. If the wife desires the separation and no fault can be imputed against the husband, the same rule shall hold good. If there is neither house nor household property, and if there are neither assets nor liabilities, whoever desires the separation shall pay half his or her *kobo* to the other. The reason why the whole of the *kobo* is not awarded as compensation is that neither the husband nor the wife had been married previous to their coming together as husband and wife.

Myingun. [Substantially the same as Mānussika.]

Dhamma. If the husband alone desires divorce and the wife is not blameworthy, he shall make over the whole of the animate and inanimate property reserving only such reward as he may have obtained from the king. If there is no property other than such reward it shall be obtained by the wife. As regards debts, no distinction shall be made between those contracted during the early days of their wedded life and those contracted recently, the party desiring the separation shall be liable to liquidate them.

Manugyè. The husband and wife have property which each brings to the marriage and also property acquired during the period of their cohabitation. If either of them desires separation the party not desiring it shall obtain all the property. If there is no property the party wishing the divorce shall give his or her *kobo* to the other party. The above rule applies to the case of a couple neither of whom has been previously married.

Ditto The rule as regards the divorce by mutual consent of a couple, of whom neither has been previously married has been dealt with. When only one party desires it and no fault can be imputed against the other, but the simple reason is alleged that "their destinies are not cast together," the rule of division of property on separation is as follows :—

The party desiring the divorce shall make over the whole of the animate and inanimate property to the other party, reserving only such rewards as were granted by the king and personal clothes, and shall also pay the costs of the suit. If there is no animate and inanimate property but only clothes and ornaments other than those conferred by the king, let the party wishing to separate have only as many suits of clothes as are sufficient for personal wear, and let the other party take all the rest ; moreover, let the former also pay the debts, if any, whether old or new. If the party wishing the divorce is the husband, he shall have, besides the clothes given by the king, one suit of man's clothes, *i.e.*, one *paso*, one jacket, one



turban, and one sword; if such party is the wife, she shall have one suit of woman's clothes, one petticoat, one jacket, one scarf, one belt, and also weaving appliances. If there are no debts or other property besides that granted by the king, let the husband and wife take his or her own gift made by the king, and let the party wishing to separate pay to the other party his or her *kobo*, fixed according to the class to which he or she belongs.

The above is the rule when neither the husband nor the wife is in fault and only one of them desires the divorce.

[Substantially the same as Kaingza.]

Kandaw.

[Substantially the same as Kaingza.]

Vanna-  
dhamma.

[Substantially the same as Kaingza.]

Manuyin.

[Substantially the same as Kaingza.]

Rāsi.

If the husband desires to divorce his wife, and if she is not guilty of any fault, let her obtain all the property, animate and inanimate. The same rule applies if the wife desires to separate from the husband who is not in fault. But in the latter case, if there is no property whatever, the wife shall pay the husband her *kobo*. Ditto

If the wife desires to separate from the husband to whom no fault can be imputed, she shall make over the whole of the property to him and shall liquidate all debts. The same rule holds good if the husband desires to divorce his wife, who is not in fault. These rules apply to the separation of the husband and wife of whom neither has been previously married. Vinicchaya.

If the wife desires to separate from the husband to whom no fault can be imputed, she shall make over the whole of their property to him. The same rule holds good if the husband desires to divorce the wife who is not in fault. These rules apply to the separation of the husband and wife of whom neither has been previously married. Pakāsanī.

If the husband desires to divorce his wife, let him make over the whole of the animate and inanimate property to her. But if she desires the separation, the husband shall have the right to sell her after shaving her head. Vicchedant.

If the husband desires to divorce his wife against whom no fault can be imputed, let him make over the whole of the property to her, liquidate all debts, and leave the house with only a suit of clothes on him. If the wife desires the separation for no fault of the husband, the same rule shall apply. If, however, there is no property she shall pay him her *kobo*. Rājabala.



- Râjabala. After a long period of peaceful union, if either the husband or the wife desires separation, let the party so desiring make over to the other the whole of their property and pay all the debts. If there is no property whatever let the party desiring to separate pay his or her *kobo* to the other.
- Sônda. If the husband desires to divorce his wife, let him leave the house with only a suit of clothes on, and conjugal relations between them shall come to an end. But if the wife desires to repudiate the husband, conjugal relations shall not cease, even though she may give up her clothes and property.
- Ditto [The same as Pyu.]
- Manu. When husband and wife separate because either of them has lost affection for the other, the party not desiring the separation shall, if they are not well circumstanced, obtain the other's *kobo*. If they are well off the party who still wishes to continue the union shall obtain the whole of their property.
- Ditto The wife desires separation to which the husband who is not in fault does not consent, or the husband desires separation while the wife who is not in fault does not wish it; in either case the party not wishing the divorce shall, with the exception of any property granted by the king as well as personal clothes and ornaments, take the whole of their property from the other party who shall pay the costs of the suit. If there are only the clothes given by the king, the former may take even them, giving the latter just one suit of clothes. Debts, if any, shall be liquidated by the latter, whether they are contracted before or after the marriage. A suit of man's clothes referred to above consists of a long over-coat, a loin cloth, a turban, gold threads (worn across the shoulders) and a scarf; and a suit of woman's clothes consists of a jacket, a petticoat, a shawl, a belt, and a blanket. If there is no property other than that granted by the king, and if each had respectively retained the gift, as it was originally made, the party desiring the separation shall pay to the party not desiring it, his or her *kobo*, assessed according to the class to which he or she belongs. Thus says Rishi Manu.
- Pânâm. If the wife desires to separate from the husband who is not in fault, she shall take upon herself all the liabilities while the husband is entitled to all the assets. If, on the other hand, the husband desires to separate from the wife against whom no fault can be imputed, the same rule shall, *mutatis mutandis*, apply.
- Rescript. If either the husband or the wife desires to separate from the other against whom no fault can be imputed, but simply because there is



no love between them, decision shall be made against the party wishing the separation, who shall also undergo corporal punishment.

[Substantially the same as the first extract from Waru.] Warulinga.

If only the husband or the wife desires to divorce, their property shall be divided equally between them. The husband shall take charge of the sons, and the wife the daughters. If the wife, through poverty, sells the sons, the husband is entitled to half the price realized. If the husband sells the daughters, the wife is likewise entitled to half the price. Ditto.

Of the husband and wife, neither of whom has been previously married, if the latter desires divorce and no fault can be imputed against any of them, the property shall be divided equally between them, but she shall be liable to pay the costs of the suit. Dhamma-sāra.

The husband and wife have property brought by each to the marriage, that granted by the king, and that acquired by their skill. If one of them desires divorce no fault being imputable to either, the party so desiring shall relinquish his or her claim to all the property, animate and inanimate, take upon himself or herself all the liabilities, bear the costs of the suit, and leave the house with only a suit of clothes on. If there are neither assets nor liabilities, the party desiring divorce shall pay to the other party his or her *kobo* according to his or her class. Cittara.

If the husband desires to divorce his wife, after they have set up house by themselves, he shall leave the house with only a suit of clothes on, but shall not be liable to pay his *kobo* if there is no property. If the wife desires to repudiate the husband, he shall take possession of the whole of their property, and if there is none she shall pay him her *kobo* and shall also be punished criminally. Kyannel.

If after a man and a woman have mutually agreed to marry, the latter desires to repudiate the marriage before its consummation, she shall merely give pickled tea and betel, &c., as compensation. But if the marriage has been consummated she shall pay the man her *kobo*. Ditto.

## SECTION 256.

### DIVORCE BETWEEN SUCH HUSBAND AND WIFE WHEN EITHER IS GUILTY OF INCONTINENCE.

In a married couple where neither party has previously been married, if either is guilty of a matrimonial fault, such as the husband taking a second wife or the wife keeping a paramour, divorce may Yazathat.



be granted, and the party in fault shall be compelled to pay his or her *kobo* to the other. This is in accordance with the Dhammathats.

Yazathat If the husband desires to divorce his chief wife because she objects to his taking a second wife, he may obtain a divorce, but shall make over to her the whole of their property, animate and inanimate.

Dhamma-  
thatkyaw. If the husband and wife are not in mutual accord, or if they do not respect each other, or care for each other's welfare, but each treats the other with neglect, the husband taking a second wife or the wife keeping a paramour, so that there naturally is no peace in the house, they should divorce. If the wife is guilty of adultery, she shall be sold after shaving her head in four patches. If the husband is incontinent, he shall leave the house with only a suit of clothes on him, and the wife is entitled to retain the whole of the property.

Dhamma. The husband takes a lesser wife and ill-treats his chief wife who, on that account, seeks divorce to which he does not consent. Divorce shall be granted and partition of the animate and inanimate property shall be made as if the divorce were desired by mutual consent. If, on the other hand, the husband seeks divorce, the wife is entitled to the whole of the animate and inanimate property, and he shall leave the house with only a suit of clothes on him. If there are neither assets nor liabilities he shall pay her his *kobo*, provided that they are of the same rank or class.

Ditto. If the wife is proved guilty of adultery, let the husband take the whole of the animate and inanimate property, and let her pay him her *kobo*; she shall moreover be punished (criminally). The rule applies to the separation of the husband and wife neither of whom has previously been married.

Râst. The Dhammavilâsa Dhammathat lays down that if the husband is guilty of incontinence, let him leave the house with only a suit of clothes on, and let the wife have the whole of the property

Râjabala. If the chief wife objects to the husband taking a lesser wife, he may obtain a divorce from her by making over to her the whole of their property.

Pânam. If the wife desires to repudiate her husband who gambles and takes lesser wives, and who is of dissipated and extravagant habits, she may obtain a divorce, and he shall liquidate all debts.

Kyetyo. If the husband takes a second wife, he shall leave with the chief wife the whole of their property with the exception of a suit of clothes. He shall also liquidate all debts.



There are six characteristics of a good wife, namely, saving the property acquired, practising economy and frugality when the items of expenditure are many, living within their means and in conformity with their position and rank, being skilful in cookery, and in house-management, and possessing an amiable disposition. If a husband desires to put away such a wife and to marry another woman, let him have only a *paso*, a turban or towel, and leave her. If he takes away any property with him, it shall be recovered and given to the first wife who shall, at the same time, be free from all conjugal relations with him. Kyannet.

If a man, who living the life of a libertine, gambles and contracts debts, desires to divorce his wife and marry another woman who is well-to-do, let him liquidate all the debts and then release the wife from the marriage bond. If he does not consent to set her free from all conjugal relations with him, let him be criminally punished. Ditto.

If divorce is sought on account of the wife's adultery, she shall pay the husband her *kobo* as compensation and shall also be disgraced. Ditto.

#### SECTION 257.

##### DIVORCE BY MUTUAL CONSENT BETWEEN A HUSBAND AND WIFE WHO HAVE BOTH BEEN PREVIOUSLY MARRIED.

If the husband and wife separate by mutual consent, whoever is the supporter shall receive two shares at the time of partition of property, and the dependant one share. Debts, if any, shall be liquidated in the same proportion. Each is entitled to the property which he or she brought to the marriage, but no restitution of such property can be claimed if it has been exhausted. The husband is entitled to the custody of the sons, and the wife to that of the daughters. He is entitled to sell the sons when pressed by poverty, but if he sells the daughters half the price realized shall be given to the wife. She on her part may sell the daughters, but if she sells the sons half the price shall be given to the husband. The reason is that sons are governed by the father and daughters by the mother. Mano.

If the husband and wife, both of whom have previously been married, desire to separate by mutual consent, let each have his or her personal clothes and ornaments, and let them divide equally between them the property acquired jointly and the debts, if any. Waru.

If the husband and wife, both of whom have previously been married, mutually desire to separate, let each take the property (*payin*) Kungya.



which he or she brought to the marriage, and also liquidate the debt contracted before marriage. Let them divide equally between them the property jointly acquired and the debts contracted by them.

Kaingza.

If the husband desires to divorce the wife to whom he is married with the consent of the parents of both, she is entitled to retain all the bridal presents. Let each take the property which he or she brought to the marriage. Let the husband take two shares out of the property jointly acquired and the wife one share. But if the husband brings no property whatever to the marriage but the suit of clothes he has on him, while the wife brings many slaves and much property, let her take two shares and give him one share of the property jointly acquired by them. The reason is that the husband is dependent on the wife.

Ditto.

[The same as Mano.]

Dhamma.

If the husband and wife, both of whom have previously been married, mutually desire to divorce, neither of them being in fault, let each take his or her property (*payin*) brought to the marriage and liquidate his or her debt, if any, contracted before the marriage. The property acquired jointly shall, if they are equally matched at the time of marriage in respect of property and means, be divided equally between them. Debts, if any, contracted jointly shall be liquidated in the same way. If the husband alone brought property and debts to the marriage or inherited them after the marriage, the whole of their property and debts shall be divided into three shares: he shall take two shares and the wife one share. If the wife alone brought or inherited property and debts, she receives two shares and the husband one share.

Manugyè.

If the husband and wife, both of whom have previously been married, mutually desire to divorce, no fault being imputable against either of them, let each take the property (*payin*) which he or she brought to the marriage and liquidate the debts, if any, contracted before marriage. Let them divide equally between them the property acquired and the debts contracted jointly by them. Property acquired and debts contracted by the husband and wife are of two kinds, namely, property and debts inherited after marriage by either from his or her parents, and property acquired and debts contracted while they are working jointly for their mutual benefit. In the case of the first, if it is the husband who so inherits, let him take two shares of the property and liquidate two shares of the debts, and let the wife have one share of the property and liquidate one share of the debts. If it is the wife, let her receive and pay two shares.



[Substantially the same as the first extract from Kaingza.] Kandaw.

[Substantially the same as the second extract from Ditto. &  
Kaingza.]

[Substantially the same as the second extract from Tejo.  
Kaingza.]

If the husband and wife find fault with each other and mutually separate, let each take the property (*payin*) which he or she brought to the marriage. Let the property acquired jointly be divided into three shares, and let the husband take two shares while the wife takes one. But if, at the time of marriage, the husband had no property whatever except the clothes he then had on, while the wife brought many slaves and much property, let her take two shares and give him one share of the jointly acquired property. The reason is that the husband depends on the wife. Debts, if any, contracted jointly shall be divided between them in the same proportion as the shares of the assets. Vanna-  
dhamma.

The husband commits no offence even if he finds fault with his wife without cause, because the husband naturally controls the wife. But if he divorces her she is entitled to retain the wedding presents. Each is entitled to get the property which he or she brought to the marriage. As regards jointly acquired property, let the husband receive two shares and the wife one share. If, however, the husband had no property whatever at the time of marriage except the clothes he had on him, while the wife brought to the union many slaves and much property, she shall receive two shares, and he one share of the jointly acquired property. RĀśī.

If, in consequence of disagreement, either the husband or the wife, both of whom have previously been married, desires divorce, let each take what he or she brought to the marriage. The party desiring divorce shall have no claim on the property acquired jointly and shall moreover be liable to liquidate all debts. If the husband and wife seriously find fault with, and make recriminating remarks against, each other, it is hardly possible that they will be able to live peaceably and amicably together, because they are conducting themselves with the view of going to law. In such a case let the divorce be as if applied for by mutual consent. Let each take the property (*payin*) which he or she brought to the marriage and liquidate the debts contracted before the marriage. Property acquired and debts contracted jointly are to be shared equally by them. The wife is entitled to get all her clothes and ornaments and such other things as are used solely by women, as well as household furniture, and the husband all his clothes and ornaments and such other things apper- Ditto.



taining solely to men's use. Gold and silver, smaller ornaments worn by the husband and wife, are treated as property in their joint possession, and each is respectively entitled to take the ornaments which he or she wears, provided that those worn by him are about equal in value to those worn by her. If there are children of the marriage, the father is entitled to the custody of the sons, and the mother of the daughters. The sons should, however, be left in the custody of the mother if they are so young that they cannot be separated from her. If, to discharge a debt incurred for the maintenance of herself and children, she sells the children to whom the father is entitled, but whom he left in her charge, she shall give half the price realized to him. She shall likewise obtain half the price if the father sells the daughters.

**Pakāsant.** If the husband and wife, both of whom have previously been married, seek divorce in a court of law, let each take the property which he or she brought to the marriage, and also liquidate all debts contracted before marriage. If such property has been exhausted by use no restitution shall be claimed by either. As regards the children, the father is entitled to get the sons, and the mother the daughters. If the sons are still very young, they may be left with the mother. If she sells them, the father shall contribute half the money when they are redeemed. If the father sells the daughters, the mother shall likewise contribute half the money when they are redeemed.

**Manu.** A widower marries a widow but subsequently they divorce. Let each take the property which he or she brought to the marriage, and also liquidate debts contracted by each before marriage. Let the property acquired jointly be divided equally between them.

**Ditto.** As regards debts contracted before marriage, the party who is the debtor shall liquidate two-thirds, and the other party shall contribute one-third.

**Panam.** If the divorce is between a husband and wife, both of whom have previously been married, let each take the property which he or she brought to the marriage. But if such property has been exhausted by use no restitution shall be claimed.

**Kungya-linga.** If the husband and wife, both of whom have previously been married, mutually desire to divorce, let each take the property which he or she brought to the marriage, and let the property acquired jointly be divided equally between them.

If the husband and wife, both of whom have been previously married mutually consent to divorce, let each take the property (*payin*) which he or she brought to the marriage, and that obtained



from his or her parents, although the nature of such property may have changed by using it for purposes of trade. Again, if such property has been exhausted in necessities no restitution shall be claimed by either. The property acquired jointly shall be divided equally between them.

If the husband and wife, both of whom have previously been married, mutually desire to separate, let each take the property which he or she brought to the marriage as well as the clothes worn by each, and let the property acquired jointly be divided equally between them. Warulinga.

[The same as the third extract from Warulinga in section 254.] Ditto.

### SECTION 258.

DIVORCE BETWEEN A HUSBAND AND WIFE WHO HAVE BOTH BEEN PREVIOUSLY MARRIED WHEN ONLY ONE PARTY DESIRES IT.

O great king ! In the case of divorce between a husband and wife, Waru. both of whom have been previously married, let each take what property (*payin*) he or she brought to the marriage, and liquidate the debts which he or she contracted before it took place. Let the party wishing to separate leave behind the property acquired jointly, and liquidate the debts jointly contracted.

If only one party of a couple, both of whom have been previously married, desires separation, let each take the property (*payin*) which he or she brought to the marriage and liquidate the debts which he or she contracted before it took place. Let the party wishing to separate relinquish all claim to the property acquired jointly and take upon himself or herself the responsibility of liquidating all debts jointly contracted. The legal costs shall also be borne by the same party. Kungya.

A man and a woman, both of whom have been married before, Dhamma. contract a marriage, each bringing some property to it. Subsequently, either of them desires separation to which the other does not consent. Let each take the property (*payin*) which he or she brought to the marriage. The party wishing the separation shall have no claim to the jointly acquired property which shall be obtained by the other party. The former shall liquidate all debts jointly contracted as well as those contracted by each before the marriage.

In the case of divorce between a couple, both of whom have previously been married and where one party desires the separation Manugyā.



while the other does not, let each take the property (*payin*) which he or she brought to the marriage. The party wishing the divorce shall have no claim to the jointly acquired property which shall be obtained by the other party. The former shall liquidate all debts contracted by both whether before or after the marriage.

Râst. If the wife desires divorce because her husband chastises her for being guilty of any of the five kinds of female impropriety, divorce may not be granted. But if she persists in her suit, let divorce be granted; and if she and her husband have both been married previous to their present union, let each take the property (*payin*) which he or she brought to the marriage. Let her take upon herself the debts contracted, and make over to him the property acquired jointly by them.

Vinicchaya. If the divorce is between a husband and wife who had both been married before, let each take the property (*payin*) which he or she brought to the marriage, and liquidate his or her debts contracted before the marriage. If the property so brought by either has been exhausted by use, no restitution shall be claimed at the time of separation. The husband is entitled to the custody of the sons, and the wife to that of the daughters. If the sons are very young, let them still remain in the custody of the mother. If she sells them, the father shall contribute half the price when they are to be redeemed. If, on the other hand, the father sells the daughters, the mother shall likewise contribute half the price when they are to be redeemed. The other rules governing such a case do not differ from those already laid down elsewhere.

Manu. If one party desires separation while the other does not, the former shall take the responsibility of discharging all the liabilities contracted by both whether before or after the marriage, and the latter shall be entitled to obtain all the assets jointly acquired. The rule applies even to couples belonging to the lower classes.

Kungya-linga. If, through want of love, the wife desires to separate from her husband against whom no fault can be imputed, let each take the property (*payin*) which he or she brought to the marriage, and let her make over to him the jointly acquired property. If there is no such property, let her make good only the value of the clothes presented by him, because both have previously been married. If, on the other hand, the husband desires divorce under similar circumstances, let him make over the jointly acquired property to the wife, and if there is no such property, let him pay her his *kobo*.

Warullinga. If the husband alone desires divorce, let him undertake to meet all the liabilities and let the wife obtain all the assets. The same



rule shall, *mutatis mutandis*, apply if the wife alone desires divorce. In either case, the property (*payin*) which he or she brought to the marriage shall, however, be taken by the respective owners.

If the separation is between husband and wife, both of whom have previously been married, let each take the separate property which he or she brought to the marriage. If it is the wife who seeks divorce, let her make over the property jointly acquired to the husband; and if there is no such property, let her pay him her *kobo*. The same rule shall, *mutatis mutandis*, apply if the husband alone is desirous of divorce. Dhamma-sāra.

If the divorce is between a husband and wife, both of whom have previously been married, let each take the property (*payin*) which he or she brought to the marriage and liquidate his or her debts contracted before it. Let the party desiring divorce make over the property acquired, and liquidate the debts contracted jointly by them. Cittara.

#### SECTION 259.

DIVORCE BETWEEN A HUSBAND AND WIFE WHO HAVE BOTH BEEN PREVIOUSLY MARRIED WHEN EITHER IS GUILTY OF INCONTINENCE.

*N.B.*—The legal point discussed under this section is not found in any of the thirty-four Dhammathats collected in this digest. It is a case which is very likely to arise occasionally, and it should therefore have found a place in one or other of them. It is treated in the Addasankhepa Vannanā Dhammathat, which is compiled from such Dhammathats as Manu, Mano, &c. But as some of the Dhammathats available at the time of the compilation of the Addasankhepa Vannanā are not extant now, an original extract bearing on the point in question cannot therefore be made from an authoritative source. The rule given below is quoted from the Addasankhepa Vannanā Dhammathat.

If the divorce is in consequence of the wife's adultery, let the property originally brought to the marriage be taken by the party who brought it, and let the husband take the jointly acquired property, together with the *thinthi* property obtained from the king, and let the wife pay all the debts contracted by both. Let her also give the husband her *kobo* as well as compensation for the offence of adultery. If the separation takes place because the husband keeps a lesser wife or a concubine, let all the debts contracted by both be paid by him; let the property originally brought to Addasan-khepa Vannanā.



the marriage be taken by the party who brought it ; let all the jointly acquired property, together with the *thinthi* property granted by the king, be taken by the wife ; and let the husband leave the house with only the clothes on his person.

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#### SECTION 260.

##### DIVORCE BETWEEN COUPLES BELONGING TO THE FIVE CLASSES.

Dhamma. If the husband and wife, both belonging to the ruling class, mutually desire to separate, let each take his or her personal ornaments, clothes, and official badges. As regards the rest of the property, animate and inanimate, whoever supplies the capital and is instrumental in the acquisition of the joint property shall get two shares and the other party one share. If neither of them supplies the capital, and if they are equally instrumental in the acquisition of the property, it shall be divided equally between them. If the value of the husband's clothes and ornaments is in excess of the value of those of the wife, let the clothes and ornaments belonging to each be valued and let the husband make good the difference ; and if the value of the wife's clothes and ornaments be in excess, let her do the same.

As regards the children of the marriage, the father is entitled to get the sons, and the mother the daughters. If the sons are still too young to be separated from the mother, let them be left in her custody ; and if she sells them, let her give half the price realized to the father. If the father sells the daughters, let him likewise give half the price to the mother. But on the death of either, the survivor acquires the right to sell the children to whom the deceased is entitled. If the father sells the daughters after he has again entered into matrimony, he shall give the whole of the price to the mother. If likewise the mother sells the sons after she has married again, she shall give the whole of the price to the father. The sons cannot be sold by the mother to liquidate their step-father's share of any debt contracted while all they are living together, nor can the father sell the daughters to liquidate their step-mother's share of such debts as may be contracted while they are living together. The children may, of course, be sold to liquidate their parents' debt.

Manugyè. The following are the different classes of husbands and wives between whom divorce may be granted and partition of property made ;—



(1) A couple belonging to the ruling class; (2) a couple of whom the husband belongs to the ruling class and the wife to the Brahman class; (3) a couple of whom the husband belongs to the ruling class and the wife to the wealthy class; (4) a couple of whom the husband belongs to the ruling class and the wife to the trading class; (5) a couple of whom the husband belongs to the ruling class and the wife to the poor class; (6) a couple of whom the husband belongs to the Brahman class and the wife to the ruling class; (7) a couple belonging to the Brahman class; (8) a couple of whom the husband belongs to the Brahman class and the wife to the wealthy class; (9) a couple of whom the husband belongs to the Brahman class and the wife to the trading class; (10) a couple of whom the husband belongs to the Brahman class and the wife to the poor class; (11) a couple of whom the husband belongs to the wealthy class and the wife to the ruling class; (12) a couple of whom the husband belongs to the wealthy class and the wife to the Brahman class; (13) a couple belonging to the wealthy class; (14) a couple of whom the husband belongs to the wealthy class and the wife to the trading class; (15) a couple of whom the husband belongs to the wealthy class and the wife to the poor class; (16) a couple of whom the husband belongs to the trading class and the wife to the ruling class; (17) a couple of whom the husband belongs to the trading class and the wife to the Brahman class; (18) a couple of whom the husband belongs to the trading class and the wife to the wealthy class; (19) a couple belonging to the trading class; (20) a couple of whom the husband belongs to the trading class and the wife to the poor class; (21) a couple of whom the husband belongs to the poor class and the wife to the ruling class; (22) a couple of whom the husband belongs to the poor class and the wife to the Brahman class; (23) a couple of whom the husband belongs to the poor class and the wife to the wealthy class; (24) a couple of whom the husband belongs to the poor class and the wife to the trading class; and (25) a couple belonging to the poor class.

The rules governing the divorce of any of the couples enumerated above and the partition of their property, are the same as those governing the case of couples belonging solely to the ruling class. The rules regulating the share to which a wife is entitled on the death of her husband according to the class to which she belongs, and also the share of her son, are given in treatises on inheritance, and do not fall within the scope of a treatise concerning divorce and partition on divorce.

If a couple belonging to the ruling class mutually separate, let Manu. each take his or her personal belongings. Of the rest of the pro-



perty let the supporter have two shares and the dependant one share. If they are not in the position of supporter and dependant (*i.e.*, if neither brings any capital to the marriage), let their personal belongings be valued and let an equal division be made of them. That is to say, if the husband's belongings greatly exceed the wife's, let him make good the difference; and similarly let the wife make good the difference if her belongings exceed those of the husband. The house shall also be valued and the value divided equally between them. Debts shall also be divided similarly.

The husband is entitled to get the sons, and the wife the daughters. He has the right to sell the sons but not the daughters, and if he sells the latter he shall give half the price realized to the wife. She is entitled to sell the daughters but not the sons, and if she sells the latter she shall give half the price to the husband. But on the death of either, the survivor acquires the right to sell either the sons or the daughters without distinction. If either of them contracts another marriage subsequently, he or she loses all right to benefit by the sale of the children to whom he or she is not entitled; and if he or she sells such children, the whole of the price shall be given to the parent who is entitled to them on partition. Because, the sale cannot be regarded as necessary for the purpose of discharging any debt incurred in the support of the children and the parents with whom they live. If, while the children, their parents and step-parent are living together, the parent sells the children on account of debts incurred for the support of the whole family, the money in excess of the children's share of the debt shall be given to them. But if there is no issue of the subsequent marriage the excess may not be given them, because they are the sole heirs of their parent and step-parent.

Cittara.

The rules of divorce and partition on divorce (as laid down under Cittara in section 258) shall apply to all classes, high and low, irrespective of the fact that the husband and wife may belong to different classes (castes), provided that they are duly wedded and "eat out of the same dish."

#### SECTION 261.

##### A PREVIOUSLY MARRIED MAN MARRIES A SPINSTER AND DIVORCES HER.

Râst.

A previously married man marries a spinster who goes and lives with him in his house, but not long after the marriage and before any property is acquired he tells her to leave the house saying that he has divorced her although there is nothing to be imputed against her. If she is superior to him (in rank) let him pay her the price of a



pair of chased earrings, because he has deceived her. If they are equal in rank, she shall receive the clothes and ornaments worn at the time of marriage, and the slaves who accompanied the marriage procession. If there is no such property, he shall purchase and give her a male slave who is to earn for her maintenance. If she is pregnant, he shall give her the expenses for her accouchement and also a female slave to serve as nurse. If they are related to each other by blood, he shall give her a male and a female slave whether she is pregnant or not, because he has scandalized the family.

A divorcee marries a young spinster and takes her to his house. Vinicchaya. If, shortly afterwards and before any property is yet acquired, he tells her to leave the house saying that he has divorced her, he shall give her the price of a pair of chased earrings, because he has deceived her. The above rule applies to cases where the wife is superior (in rank) to the husband. If, however, they are equal in rank and belong to the same class, he shall give her the slaves who accompanied the marriage procession, the sedan chair used at the ceremony, the clothes and ornaments worn then, and all other property used at, and in connection with, the celebration of the marriage. If none of the property enumerated above was used at the wedding, he shall give her a male slave to work for her in his stead. If she is pregnant, he shall (also) give her a female slave. If they are related by blood, he shall give her a male and a female slave whether she is pregnant or not.

[Substantially the same as Vinicchaya.]

Pakāśant.

A previously married man marries a spinster, and before any Rājābala. property is yet acquired and without any cause of complaint against her, desires to divorce her. If he is inferior (in rank) to her, he shall give her a pair of earrings, because her parents gave her to him notwithstanding their knowledge of his position and circumstances. If they are equal in rank, he shall give her the slaves who accompanied the marriage procession, the sedan chair, elephants, ponies, &c., used in the ceremony, and the clothes and ornaments worn at the time of marriage. If there is no such property, he shall give her a male slave. If she is pregnant, he shall give her sufficient money to defray the expenses of her accouchement and a female slave to serve as nurse. If they are related by blood to each other, he shall give her a male and a female slave whether she is pregnant or not.

If, on the other hand, the wife says that she desires to repudiate the husband although he is in no way blameworthy, she shall give him (a suit of man's clothes consisting of) a *paśo*, coat and turban, and a male slave attendant. If they have no property, let them



separate as if they had each been married previous to the present union.

**Pāṇam.** If a previously married man marries a spinster and subsequently desires to divorce her, he shall give her the value of a pair of chased earrings (when he is inferior in rank to her). If they are of equal rank, she shall get the whole of the articles used at the marriage ceremony. If there is no such property, he shall give her a male slave; and if she is pregnant, he shall give her a female slave also. If they are related to each other by blood, he shall give her a male and a female slave.

**Dhamma-sāra.** If shortly after the marriage of a previously married man with a spinster he desires to divorce her, let him give her all the *kanwin* property (*i.e.*, property given by the bridegroom to the bride at the time of marriage). If there is no such property, let him pay her thirty ticals of silver as his *kobo*. If she is pregnant, he shall give her in addition a female slave to serve as nurse or twenty-five ticals of silver instead. If they are related by blood, he shall give her a male and a female slave whether she is pregnant or not.

#### SECTION 262.

#### A PREVIOUSLY MARRIED WOMAN MARRIES A BACHELOR AND REPUDIATES HIM.

**Rāsi.** If a previously married woman marries a bachelor, and before any joint property is yet acquired says that she desires to repudiate him although he is not to blame in any way, she shall give him a suit of clothes and a male slave attendant. If, however, they have not much (*payin*) property, they shall separate as if each of them had been married previous to their present union.

**Vinicchaya.** If a divorcee marries a young bachelor and subsequently desires to divorce him for no fault of his, she shall give him a suit of clothes and a male slave attendant. If they have no property, they shall separate as if by mutual consent.

**Dhamma-sāra.** If a previously married woman marries a bachelor (section 126 Dhammasāra) and subsequently desires to repudiate him, she shall give him a suit of clothes.

#### SECTION 263.

#### ON THE SEPARATION OF HUSBAND AND WIFE, THE CLOTHES AND ORNAMENTS OF EACH SHOULD BE VALUED AND DIVIDED.

**Manu.** At the time of separation of a man and wife, the personal belongings of each shall be valued and an equal division shall be made of



them according to the valuation, provided that one of them is not in the position of a dependant to the other. The equal division is made in the following way :—After the personal belongings of each have been valued, if the husband's is found to be in excess of the wife's, let him make good the difference to her ; but if, on the other hand, the wife's is in excess of the husband's, let her do the same to him.

When partition of property is made (on divorce) no distinction *Pāṇam*. shall be made between the clothes and ornaments appertaining to men and those appertaining to women. Let them all be valued and let an equal division be made of the value between the couple.

If a husband and wife, of whom neither has previously been married, mutually seek divorce, let the husband take his clothes and ornaments, and the wife hers. But if the value of those belonging to one is in excess of the value of those belonging to the other, the party having such excess shall make good the difference to the other. *Cittara*.

#### SECTION 264.

##### DISTINCTION BETWEEN *PAYIN* AND JOINTLY ACQUIRED PROPERTY.

When *payin* property (*i.e.*, property originally brought by the husband or wife to the marriage) has acquired the nature of *lettelpwa* (*i.e.*, property jointly acquired), it can no more be considered as *payin* property. Thus it is laid down in the Dhammathats. *Waru*.

Property acquired by either the husband or the wife is divided into three kinds, namely, *payin*, *i.e.*, property, animate and inanimate, which each brought to the marriage ; property acquired by his or her personal skill, energy, and labour ; and property given him or her by the king. Property belonging to the husband or his parents and brought by him to the marriage while the wife did not bring any, that acquired during marriage by his personal skill or labour, and that given him alone by the king, are the three kinds of property acquired by the husband. Property belonging to the wife or her parents and brought by her to the marriage while the husband did not bring any, that acquired by her personal skill and labour, and that given her alone by the king, are the three kinds of property acquired by the wife. *Manugyè*.

The classification of property made above is with reference to cases of partition of property on divorce, by mutual consent, between a husband and wife, belonging to the same class, neither of whom had been previously married.



Manugyè. Let each take the property given him or her alone by the king, that brought by each to the marriage, and that inherited by each from his or her parents subsequent to the marriage. The profits which accrue from the different kinds of property shall be treated as *lettetpwa* or jointly acquired property, and partition of it shall be made according to the rules already laid down.

Manu. The following kinds of property shall be deemed *lettetpwa* or jointly acquired property, namely, property obtained by the husband or wife during their wedded life, that inherited by them from their respective parents, and that acquired by their joint labour.

The following kinds of property shall be considered as *payin* property, namely, property given to either by the king, that brought by either to the marriage, and ancestral property inherited by either.

Pānam. In the case of divorce of a husband and wife, both of whom have previously been married, the *payin* property shall be treated as *lettetpwa* or jointly acquired property.

Kūngya-linga. The rule of partition on divorce when the nature of the property (*payin*) brought by either to the marriage has changed or has merged into jointly acquired property, is laid down above (section 257). Such property shall always be obtained by its respective owners. Even in cases in which one party to the marriage purchases the other, the purchase-money shall be restored to the purchaser when partition is made on divorce. Each is entitled to take back his or her *payin* property, and the profits accruing therefrom shall be divided rateably according to the original property contributed by each. This rule is based on the same principle as that laid down in the seventh case, known as the 'cucumber case,' decided by the excellent Manu.

[The allusion made above is to the following:—]

Once a dispute arose between two persons, owners of two adjoining garden plots, as to the ownership of the fruits of a cucumber vine, which was sown in one plot, but which bore fruits on the other. The excellent Manu at first decided that the owner of the plot on which the fruits were found was entitled to them. The decision being wrong the *nats* and men did not applaud and cheer him as they used to on former occasions. Thus becoming aware of the failure of justice, he revised his decision and decided in favour of the owner of the plot in which the cucumber was sown. The *nats* and men then acclaimed their approval.

Warulinga. [Substantially the same as Waru.]

Kyannet. Property belonging to the husband is forfeited to the State for a criminal offence committed by him, but at the intercession of the relatives of the wife it is restored to her. Such property does not



become her separate property. The same rule shall, *mutatis mutandis*, apply when the wife's forfeited property is restored to the husband at the intercession of his relatives.

## SECTION 265.

### PUTTING AWAY A BARREN WIFE.

Even a duly wedded wife may be put away when there is cause. *Manussika*. If a wife is barren, that is, if she does not conceive after eight years, the husband may take another wife.

If the wife is barren, the husband may take another wife after the lapse of eight years. *Ditto*.

If the wife is barren, the husband shall wait eight years after the lapse of which he may marry another woman. *Pyu*.

O great king ! A man may divorce any of the following five kinds of wives, namely, one who is barren, one who brings forth daughters only, one who does not love her husband, one who is leprous, and one who keeps a paramour. He shall, however, give her half the jointly acquired property before putting her away. Thus has Manu decided. *Waru*.

If the wife is barren, the husband may after eight years take another wife. *Myingun*.

Among men, the wife is the principal agent in the attainment of spiritual and temporal welfare, and in the increase of one's posterity, wealth, and happiness. Vain would be a marriage which resulted not in numerous offspring. A childless couple is like a tree devoid of branches. They do not command respect; and their worldly goods and prosperity are of no avail to them. Therefore, if the wife is barren, the husband may, after a period of four or five years which may be determined after due consideration of her age and circumstances, take another wife explaining to the former the advisability of his action. He has the same right if the children born of the wife always die in infancy. He shall not be blamed for taking another wife under such circumstances. *Dhamma-thakkyaw*.

If the husband who puts his wife away on the presumption that she is barren does not beget children with another wife, it cannot be said that his former wife is barren; for he it is who is unproductive. The property brought by him at the time of separation from the former wife shall now be restored to her. *Dhamma*.

In putting away a wife the husband has no right to take any property brought by her to the marriage. Let him give it to her. *Manugyè*.



and put her away. If the wife did not bring any property, but there is that which was jointly acquired by them, let her have one-tenth of it and all her clothes and ornaments. If the husband does not beget children with another wife, the unproductiveness is due to him, and his former wife (whom he put away as being barren) cannot be said to be barren. She cannot be divorced on the plea of barrenness. If he desires to divorce her against her will, he shall make over to her the whole of the jointly acquired property.

Manuyin. The husband shall wait eight years before putting away a barren wife.

Râsi. In the matter of putting away a barren wife, the Mânussika Dhammathat lays down the rule that the husband should wait eight years before divorcing her.

Vicchedant. Eight years shall the husband wait before putting away a barren wife.

Sônda. [The same as Pyu.]

Manu. In thus putting away a barren wife, let her take the property brought by her to the marriage. In the absence of such property, let that acquired jointly be divided into ten shares and let her have one share; let her also take her clothes and ornaments. If the husband does not beget any children with another wife, his former wife (whom he put away) cannot be said to be barren.

Kungya-linga. If the wife, who is still in her prime, does not bear children, let the husband continue to cohabit with her eight years, after the lapse of which she may be put away.

Warulinga. [Substantially the same as Waru.]

Kyetyo. If the wife is barren, the husband has the right to take another wife after the lapse of eight years.

Kyannet. [Substantially the same as Myingun.]

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#### SECTION 266.

#### PUTTING AWAY A WIFE FOR HAVING BORNE ONLY FEMALE CHILDREN.

Mânussika. If the wife gives birth to daughters only, the husband may take another wife after ten years.

Ditto. If the wife brings forth daughters only, the husband may take another wife after ten years according to one rule, or after eleven years according to another.



If the wife brings forth female children alone, the husband shall Pyu. wait ten years, after the lapse of which he may take another wife.

[The same as in section 265.]

Waru.

[Substantially the same as the first extract from Manus- Myingun- sika.]

If the wife bore ten daughters but not a single son, the husband Dhamma. may divorce her. He shall, however, give her half the property, both animate and inanimate.

In saying that a husband may put away his wife, who has given Manugyè. birth to eight or ten daughters but not a single son, it must not be understood that he has the right to put her away after taking all the property, animate and inanimate. It is meant that the wife has no right to object to the husband cohabiting with another woman with a view to obtaining a son, and that the husband may cease to have conjugal relations with her. If the husband desires to divorce the wife because she has given birth to eight, nine or ten daughters, but not a single son, let him give half the property to her. Let the debts, if any, be also divided in the same way.

The above is the rule laid down in the Dhammathats, but according to the religious teachings, a woman who gives birth to daughters only, cannot be said to be inferior among women. Because, during the life-time of Gotama Buddha, three daughters, Visâkhâ, Khomâ and Upalavannâ, were born to King Kikî; and they distinguished themselves by remaining unmarried and devoting themselves to the practice of the religious precepts. Even a man would be accounted ignoble and worthless if he had no character, while a mere woman may be deemed noble and excellent if she is replete with virtue. The wise should take this also into consideration in deciding cases.

If the wife always brings forth daughters, the husband shall wait Manuyin. ten years.

If the wife brings forth ten daughters in succession but not a Râsi. single son, the husband may take another wife after twelve years.

[Substantially the same as Manuyin.] -

Vicchedant.

[The same as Pyu.]

Sônda.

The wife who brings forth ten daughters in succession may be Manu. put away. -

If the wife brings forth daughters only and does not give birth K u n g y a- to a single son, she may be put away after the lapse of ten years. linga.

[The same as in section 265.]

Warulinga.



Kyannet. If the wife brings forth daughters only, the husband may take another wife after ten years according to one rule or twelve years according to another.

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SECTION 267.

PUTTING AWAY A WIFE SUFFERING FROM LEPROSY OR OTHER  
INCURABLE DISEASE.

Waru. [The same as in section 265.]

Dhamma-  
thatkyaw. If the wife is afflicted with an incurable disease, the husband may, with her consent, marry another woman, even though she may be a good and virtuous wife.

Notwithstanding that the husband asks her consent the wife may, through anger, desire to leave the house. The husband should then try and dissuade her; but if she insists on leaving the house, he should entrust her to the care of the relatives, explaining to them the circumstances.

Dhamma. If a man marries a woman through mercenary motives, knowing that she is afflicted with leprosy, epilepsy, or *gayingyi* (a mild form of leprosy), he shall not put her away, but shall try his best to have the disease cured, and if she dies he shall bury her. But if, after taking her property, he neglects her and takes another wife, the local authorities or the relatives and friends of the first wife should recover all her property and take charge of her. If the wife contracts such disease after marriage, the husband shall place her under medical treatment. If she cannot be cured of the disease, the husband has the right to take another wife. If the wife desires to separate from the husband because he ceases to have conjugal relations with her, she shall be given only just enough to maintain her. If the husband divorces the wife against her will, let him give her half the property belonging to them. If the couple have children, they should take charge of their mother's half share and attend to her welfare.

Manugyè. If, from mercenary motives, a man knowingly marries a woman who is afflicted with leprosy, epilepsy or *gayingyi* (a mild form of leprosy), he shall have no right to put her away shortly after the marriage, but shall try his best to cure her of the disease. It is only after he has tried and failed in his endeavour to cure her that he may take charge of all her property and continue to procure medical treatment for her, as long as she remains afflicted with the disease. He shall bury her if she dies. He may also cease to have marital relations with her; and this is what is meant by saying that



he has the right to put her away. The invalid wife shall have no right to object to the husband taking another wife, and to insist on his having marital relations with her alone. But if the husband takes all her property, neglects her altogether, and lives with another wife whom he maintains with the property taken from the former, the local authorities, village elders, or the relatives or friends of the invalid should recover from him her property, animate and inanimate, and themselves maintain her.

*Another rule.*—If the wife contracts the disease after marriage, the husband shall try and cure her of the disease. If it is incurable the husband has the right to take another wife. If the wife insists on the husband having marital relations with none other than her, she shall be maintained by giving her just enough to procure necessities. If, however, he desires to divorce her against her will, he may obtain a divorce by giving her half their property. If they have children, let the latter take charge of their mother's half share and maintain her. He has no right to take all the property and put her away. The intention of the rule is that he might cease to have marital relations with her.

If a man knowingly marries a woman who is afflicted with leprosy *Rajabala*, or some other disease of a like nature, he shall not put her away, but shall try his best to cure her of it. If he fails in his endeavour, he shall maintain her well after taking charge of her property; and he shall also bury her when she dies. He may, however, cease to have marital relations with her, but shall not put her away and neglect her. She shall not object to his taking another wife or insist on his having marital relations with none other than her. Thus have the wise decided.

If a man knowingly marries a woman who is afflicted with leprosy *Manu*, he shall not put her away, but shall try his best to cure her of the disease. After he has failed in his endeavour, he may take another wife, but shall maintain his first wife well. If he neglects her, the village official shall take all her property from him and himself take care of her. So says the Rishi Manu.

If, however, the wife contracts leprosy after marriage, the husband shall act as directed above. If she objects to his taking another wife and desires to separate from him, let there be divorce after giving her property sufficient to maintain herself. If the husband desires to divorce her, let him give her half their property.

[The same as in section 265.]

Warulinga.



Cittara.

If, from mercenary motives, a man knowingly marries a woman who is afflicted with leprosy or epilepsy, he shall try his best to cure her of the disease. After he has failed in his endeavour, he may cease to have marital relations with her, but shall take charge of her property and maintain her well.

## SECTION 268.

PUTTING AWAY A WIFE WHO, BY HER CONDUCT, SULLIES THE  
REPUTATION OF THE FAMILY.

Dhamma.

The husband has the right to divorce the following two kinds of wives after taking all the property, animate and inanimate, namely, one who abandons all the traditionary rules of conduct and behaves in a degrading manner, and one who does not accord to her husband full marital privileges.

Manugyè.

The rule regarding the right of the husband to divorce a wife who abandons the customary rules of conduct and behaves in an improper manner is as follows:—

If, disregarding the reputation of the family, the wife keeps a paramour or conceals property from her husband, he has the right to divorce her after taking possession of all the property. The rule does not contemplate that he shall simply cease to have marital relations.

## SECTION 269.

PUTTING AWAY A WIFE, WHO HAS NO AFFECTION FOR HER  
HUSBAND, WHO DOES NOT CONFORM TO HIS WISHES, OR  
WHO COMMITS ADULTERY.

Vilāsa.

If the wife has no love for her husband, he has the right to divorce her. If she commits adultery, he has the right to sell her after shaving her head in four patches.

Waru.

[The same as in section 265.]

Dhamma-  
thatkyaw.

A woman should attend to the comfort and happiness of her husband. If she has no affection for him, he shall wait only a year; and if he is then assured of her want of affection, he shall demand her *kobo* from her and send her away. The reason is that the husband is the lord and master of his wife, and he may treat her as a master would treat his slave.

Dhamma.

[The same as in section 268.]



A wife who does not conform to her husband's wishes is one who Manugye. does not accord to him full marital privileges. The husband has a right to divorce such a wife in the same way as he would in the case of a wife who stains the reputation of the family by her conduct, *i.e.*, after taking all the property.

[Substantially the same as Vilāsa.]

Vaṇṇanā.

[The same as Vilāsa.]

Rāsi.

The husband has the right to divorce the wife who does not conform to his wishes. If she is guilty of adultery, he has the right to sell her after shaving her head in four patches. Manu-vaṇṇanā.

According to another rule he has the right to take all the property from her, tie her to a post in the market-place, and sell her.

The husband has the right to divorce his wife who is guilty of adultery or who stealthily conveys his property to her paramour. After taking all the property, he may send her away with only a waistcloth (petticoat). A wife who does not conform to the wishes of her husband shall be similarly treated. If there is no debt contracted by them, the husband has the right to sell her.

[The same as in section 265.]

Warullīga.

[Substantially the same as Vilāsa.]

Kyetyo.

If the wife has no affection for her husband and does not conform to his wishes, let him have the whole of the property and let her be severed from the marriage bond. If the husband has no love for his wife, let her leave the house taking such property as she may have brought to the marriage. The reason is that she is considered as one of the four kinds of slaves as her husband has given her parents bridal presents equal to her *kobo*. Kyannet.

### SECTION 270.

A WIFE WHO IS LIKE A MASTER, A THIEF, OR AN ENEMY MAY BE DIVORCED.

A man should divorce a wife who is like a master, a thief, or an enemy, even though she may have borne him ten children. He should not live a single day with such a wife. Vilāsa.

A man should divorce any of the following three out of the seven classes of wives, namely:— Waru.

(1) A wife who is like a thief, (2) a wife who is like a master, and (3) a wife who is like an enemy: he should, in so doing, take half the property and liquidate half the debts.



Dhamma.

[Substantially the same as Vilāsa.]

Manu-  
vaṅṇanā.

A man should divorce his wife if she comes under the first three classes (*i.e.*, a wife who is like a master, a thief or an enemy) although she may have borne him ten children.

Manu.

Out of the seven classes of wives, namely, a wife who is like a murderess, one who is like a thief, one who is like a master, one who is like a sister, one who is like a mother, one who is like a friend, and one who is like a slave, the first, the second, and the third should be divorced.

Kungya-  
linga.

A man should divorce any of the following three classes of wives, namely:—

(1) A wife who is like a master, (2) a wife who is like a thief, and (3) a wife who is like an enemy.

Warulinga.

[Substantially the same as Waru.]

Cittara.

A man should divorce a wife who is like a thief, a master or an enemy, even though she may have borne him ten children.

Once upon a time, a young man from Benares, named Cūladha-nuggaha, studied the arts and sciences under the renowned teacher at Takkaśīla. At the close of his studies and on the eve of his departure, he was given by the teacher a spouse whom he accepted, not daring to refuse. On their way home the couple met an elephant which the husband shot dead with an arrow. Resuming their journey they subsequently encountered fifty robbers, forty-nine of whom he killed each with an arrow. Having spent all his fifty arrows, he asked his wife to give him the sword with which he meant to kill the surviving robber. But the faithless wife having become enamoured of the robber the moment she saw him, treacherously presented it in such a way that the handle was ready to the hand of the robber while the blade pointed towards the husband, and so the latter was slain. She then accompanied the robber, and at his request told him her past history. On coming to a river he swam to the opposite bank and went away, leaving her in great distress and sorrow. Desiring to teach her a lesson, the embryo Buddha, who was then the Thagyamin, asked *Deva Mātali* to assume the shape of a fish and *Deva Pañcathinga* that of a kite, while he himself assumed the form of a fox and came near her carrying a piece of meat. Just then *Mātali*, in the shape of a fish, jumped ashore. The Thagyamin immediately dropped his meat and tried, without success, to catch the fish. Almost simultaneously *Pañcathinga*, who had assumed the shape of a kite swooped down on the meat and carried it off. The whole occurrence taking place in the presence of the woman, she remonstrated with the



fox calling him a foolish creature. The Thagyamin thereupon replied that she it was who was foolish, because food was easy to obtain, whereas in her case she had lost her husband and had been deserted by her paramour. On hearing this, the woman realized the helplessness of her situation and was oppressed with much remorse.

[Substantially the same as Vilāsa.]

Kyetyo.

### SECTION 271.

A WIFE WHO IS LIKE A MOTHER, SISTER, FRIEND, OR SLAVE,  
SHOULD NOT BE DIVORCED.

It is seldom that a wife is like a slave. Out of the seven classes Pyy. of wives, if the husband does not love a wife who is like a mother, sister, friend or slave, he shall leave the house with only a suit of clothes on. If such a wife has no affection for her husband she shall go away leaving behind her dresses and household property. Although such is the rule, the husband has the right to obtain a divorce if he does not love his wife, but she has no such right against her husband.

A man should not divorce any of the following four classes of Waru. wives, namely :—

(1) A wife who is like a mother, (2) a wife who is like a sister, (3) a wife who is like a friend, and (4) a wife who is like a slave. If he desires to divorce any of them, let him give up the jointly acquired property, take the liabilities jointly contracted and leave the house with only a suit of clothes on. So says Manu.

A man should not behave so as to estrange himself from any of Dhamma. the following classes of wives :—

(1) A wife who is like a mother, (2) a wife who is like a sister, (3) a wife who is like a friend, and (4) a wife who is like a slave.

A man should never divorce any of the remaining four classes of Manu- wives, i.e., a wife who is like a mother, a wife who is like a sister, vappana, a wife who is like a friend, and a wife who is like a slave.

Of the seven classes of wives some may, while others may not, Kungya- be divorced. The latter are the following :— linga.

(1) A wife who is like a mother, (2) a wife who is like a sister, (3) a wife who is like a friend and, (4) a wife who is like a slave.

[Substantially the same as Waru.]

Warulinga.

A man should love and cherish until death a wife who is like a Cittara. mother, a sister, or a slave : he should do the same to a wife who is like a friend as long as she abides by his good counsel.



Kyetyo. Out of the seven classes of wives, a man should not estrange himself from any of the following four, but should love and cherish her until death parts them, namely :—

(1) A wife who is like a mother, (2) a wife who is like a sister, (3) a wife who is like a friend, and, (4) a wife who is like a slave.

Ditto. Of the seven classes of wives, the wife who is like a slave excels all the rest. The Buddha and his predecessors extolled her virtues by saying that were she to pray to be born as a man in her next existence, her prayer would surely be realized, and that she would sooner obtain emancipation from the world of transmigration than others. So says Manu.

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#### SECTION 272.

DIVORCE OF A WIFE BY THE HUSBAND WHEN SHE HAS ANY OF THE SIX KINDS OF FAULTS, FIVE KINDS OF IMPROPRIETY, OR FOUR KINDS OF PRIDE, AFTER CHASTISEMENT ACCORDING TO LAW OR BEYOND WHAT IS WARRANTED BY LAW.

Manugyè. If the wife is repeatedly guilty of impropriety, the husband has the right to divorce her ; and if she does not consent to the divorce, let it be effected as if it were by mutual consent. Let each take the property (*payin*) which he or she brought to the marriage. Let the jointly acquired property be divided equally between them and let the debts contracted during marriage be similarly divided. If the wife takes offence at her husband's chastisement, and desires to separate from him, she shall have no right to the jointly acquired property, and shall take the responsibility of discharging the liabilities jointly contracted. The latter rule refers to the case when the wife desires to separate from her husband.

Ditto. If the children subsequently reform and abide by the admonition of their parents, they shall again become entitled to inherit ; and if the wife reforms and acts according to her husband's advice, he may not divorce her. If the husband chooses to divorce her notwithstanding that, after being chastised by him, she undertakes to conduct herself well, let each take the property (*payin*) which he or she brought to the marriage ; let the jointly acquired property be taken by the wife ; and let the whole of the debts contracted by them be liquidated by the husband. Because, she has acted according to his advice and has again behaved like a slave towards him.

Vinicchaya. If the husband pleads that he chastised his wife because she was guilty of one of the five kinds of impropriety or of the six kinds of faults, inquiry shall be made as to the truth of the plea and if it



is found to be true he shall not be deemed to have acted wrongly or to have exceeded his right. If she (taking offence at such chastisement) sues for divorce, let her relinquish all claims to the whole of their property and leave the house with only the suit of clothes she has on. If there are debts, let her be liable for them. If there are neither assets nor liabilities, let her give her *kobo* to the husband. In the case of a couple, neither of whom has been previously married, the wife may be excused the payment of her *kobo*. Each is entitled to the property (*payin*) which he or she brought to the marriage, and responsible for his or her debt contracted before the marriage. No restitution shall, however, be claimed by either party if such property has been exhausted by use or if such debts have already been discharged.

If the wife desires to separate from her husband because he chastises her for being guilty of any of the five kinds of impropriety, or of the six kinds of faults, let her give up the whole of the property and liquidate the debts. If there are neither debts nor property, let her give him her *kobo*; but if neither has been previously married, let her be excused from payment of her *kobo*. In the case of a previously married couple, no restitution shall be claimed if the property (*payin*) brought by either party has been exhausted by use. If the husband exceeds his right in chastising his wife for being guilty of any of the five kinds of impropriety, or of the six kinds of faults, and does not simply beat her with the bight of a rope, a cane, or a split bamboo, but strikes her with the elbows or kicks her as if she were an enemy of his, decision shall be given in favour of the wife.

A wife who is in fault may be chastised by beating her on the back with a split bamboo. If the wife desires to separate from her husband because in chastising her he beats her with a large stick (or mallet), let divorce be granted as if it were desired by mutual consent. Let each take the property which he or she originally brought to the marriage, and let the jointly acquired property be divided equally between them. But if only one of them is chiefly instrumental in the acquisition of such property, let such party take twice as much as the other.

If the husband desires to divorce his wife who is of loose character, he may according to one rule demand her *kobo* from her, or according to another demand half her *kobo*. If she reforms after she has been chastised twice or thrice, and if the husband then desires divorce, let divorce be granted, and let him give up all the property and leave the house with only a suit of clothes on.



- Ānam.** If the wife desires to separate from her husband because he chastises her by beating with the bight of a rope or a split bamboo for being guilty of any of the five kinds of impropriety, or of the six kinds of faults, let her give up all the property and liquidate all the debts. If there are no debts, let her pay him her *kobo*. If neither of them has been previously married, she may be exempted from payment of her *kobo*.
- Dhamma-sāra.** If the wife desires to separate from her husband because he chastises her by beating her with the bight of a rope or a split bamboo for being guilty of any of the six kinds of faults, let her make over the whole of the property to the husband. If, on the other hand, the husband treats her like an enemy, and through anger inconsiderately strikes her with the elbow, kicks her, or beats her so severely as to draw blood, divorce shall be granted (to the wife) and partition of property shall be made as if the divorce were desired by mutual consent.
- Cittara.** Mere chastisement for improper conduct on the part of a wife shall not be deemed sufficient ground for divorce. If the wife persists in seeking divorce, let it be granted; and if they are a previously married couple, let each take what property (*payin*) he or she brought to the marriage. Let her relinquish all claims to jointly acquired property and liquidate all debts, if any. The husband shall not, however, treat her like a slave by striking her with the elbow, kicking her, or slapping her on the cheeks, but he may beat her on the buttocks or loins with a cane or a split bamboo or with the palm of the hand. The same rule shall apply also if the wife is guilty of any of the four kinds of pride, or of the six kinds of faults, or of the five kinds of impropriety.
- Ditto.** The husband may not divorce the wife who is guilty for the first time of any or all of the five kinds of female impropriety. He may chastise her and continue to live with her as usual. If, however, she has been chastised three times and is again guilty of impropriety he may divorce her. Let him take all the assets and let her discharge all the liabilities. If there are neither assets nor liabilities, let divorce be granted, and according to one rule she may not be compelled to give him her *kobo*, whereas according to another, she may be compelled to pay half her *kobo*. The same rule applies if the wife is guilty of any of the six kinds of faults.
- Ditto.** A wife who is guilty of any of the five kinds of impropriety or of the six kinds of faults, or of the four kinds of pride, shall be dealt with in the same way as indicated above.



SECTION 273.

WHETHER A WIFE HAVING ANY OF THE SIX KINDS OF FAULTS,  
FIVE KINDS OF IMPROPRIETY, OR FOUR KINDS OF PRIDE MAY  
BE DIVORCED.

The Dhammathat lays down the rule that the husband should abuse and beat the wife who is guilty of any of the six kinds of faults, but that he may not divorce her.

The husband may not divorce a wife who is guilty of any of the following four kinds of pride :—

- (1) pride of beauty,
- (2) pride of birth,
- (3) pride of wealth, and
- (4) pride of connections or relatives.

The husband should abuse and beat the wife who is guilty of any of the following five kinds of impropriety, but he may not divorce her :—

- (1) Impropriety with regard to property,
- (2) impropriety with regard to dress,
- (3) impropriety with regard to food,
- (4) impropriety with regard to walking, and
- (5) impropriety with regard to behaviour towards men.

If a wife takes intoxicating drinks, frequents dances, or associates with other people, notwithstanding her husband's disapproval and protest, she shall be fined six ticals of gold according to one rule, or a tical and a quarter according to another.

O great king ! A woman who is guilty of any of the five kinds of impropriety, or of the six kinds of faults, or of the four kinds of pride may not be divorced, nor may she be struck with the elbow, kicked, or slapped on the cheeks. She should be merely chastised by beating her with the palm of the hand, or with a split bamboo. So says Manu, the Rishi.

The six kinds of women enumerated in Kaingza in section 222 Kaingza. may be abused and beaten, but may not be divorced.

The wife who is guilty of any of the five kinds of impropriety may be beaten, but may not be divorced. Ditto.

The wife who is guilty of any of the four kinds of pride may not be divorced, but she may be beaten. Ditto.



Myingun.

[Substantially the same as Mānussika ]

Dhamma.

The five kinds of female impropriety are the following :—

Impropriety with regard to (1) dress, (2) food, (3) behaviour towards men, (4) property, and (5) looking.

A wife who is guilty of any or all of the five kinds of impropriety may not be divorced on the first offence. She should be chastised by beating her on the buttocks, loins, or back, with the palm of the hand or a split bamboo. If the wife does not reform despite further chastisement the husband may, if he desires, divorce her. He shall obtain the whole of the jointly acquired property. She shall not, however, be liable to pay him her *kobo*. On the other hand, if it is the wife who sues for divorce, the husband shall obtain the whole of their joint property, and she shall liquidate all debts and also pay him her *kobo*. But if the wife reforms and the husband still desires to divorce her, she shall obtain the whole of the property, animate and inanimate.

The following six classes of women may not be divorced :—

(1) One who is addicted to intoxicating drinks, (2) one who neglects the care and management of the house, (3) one who disobeys her husband and quarrels with him, (4) one who speaks disparagingly of her husband, (5) one who frequents the houses of others and wastes her time in gossip, and (6) one who habitually sits idly at the doorway of the house and looks at men or listens to their voice. Such women shall be treated in the same way as those who are guilty of the five kinds of female impropriety.

Ditto.

The four kinds of female pride are :—

(1) Pride of birth when her family is superior to that of her husband, (2) pride of beauty when she is free from the six kinds of blemishes and he is not good looking, (3) pride of wealth when she brought much property, while he did not bring any to the marriage, and (4) pride of relatives and connections when she is well connected while he is not. The husband may not divorce a wife who is guilty of any of the four kinds of pride before he has first chastised her three times by beating her on the buttocks, loins, or feet, with the bight of a rope, a split bamboo, a cane or the palm of the hand. If she does not reform although she has been chastised three times, he has the right to divorce her, although she may not wish to separate from him. Let the jointly acquired property be divided equally between them. If it is the wife who seeks divorce, though the husband may not wish it, let her take only the property (*payin*) brought by her to the marriage ; let him obtain the whole of the jointly acquired property ; and let her liquidate the debts. If there is no pro-



perty other than that brought by her to the marriage, let a fourth of such property be given to him. If neither of them brought any property to the marriage and there is no jointly acquired property or jointly contracted debts, let her pay him her *kobo*.

The husband may not divorce the wife who is guilty of any or all of the five kinds of impropriety before he has chastised her three times by beating her on the loins, buttocks, or feet, with a cane, or a split bamboo. If she reforms and conducts herself well he has no right to divorce her, but he may obtain a divorce by making over the whole of their property to her. If she does not reform notwithstanding that she has been chastised several times, he has the right to divorce her and to obtain all the jointly acquired property. She is entitled to take the property (*payin*) brought by her to the marriage. If there is no property whatever, he may not demand payment of her *kobo*. On the other hand, if it is the wife who seeks divorce, let him obtain all their property and let her liquidate the debts, if any, and also pay him her *kobo* in full according to one rule, or only half of it according to another. So says the Rishi.

Manugyè.

If the wife is guilty of any or all of the six kinds of faults, she may not be divorced before she has been chastised three times in the manner described. If she proves incorrigible, she shall be treated as laid down above. The Rishi says that such is the rule.

Ditto.

A man may not divorce his wife who is guilty of any of the four kinds of female pride before he has chastised her three times. In chastising her he shall not strike her with the elbows, or beat her with the bight of a rope, or a thick stick; neither shall he kick her, nor trample on her neck. Only slaves and women guilty of adultery may be so treated. She may, however, be beaten on the loins, buttocks, or feet, with a split bamboo or with the palm of the hand. If she does not reform and leave off her evil habits after she has been chastised three times, he has the right to divorce her even against her will; and let all their property be equally divided between them. If because of the chastisement the wife desires to separate from the husband against his will, let him obtain the whole of the jointly acquired property, and let her take the property (*payin*) brought by her to the marriage and liquidate the jointly contracted debts. If there is no property jointly acquired, let that brought by the wife to the marriage be divided into four shares, and let one share be given to her. Let her liquidate her own debts, as well as those jointly contracted. If there are neither assets nor liabilities, let her give him her *kobo*.

Ditto.



- Kandaw. [Substantially the same as the first extract from Kaingza.]
- Ditto. [Substantially the same as the second extract from Kaingza.]
- Ditto. [Substantially the same as the third extract from Kaingza.]
- Tejo. [The same as the first extract from Kaingza.]
- Ditto. [The same as the second extract from Kaingza.]
- Ditto. [The same as the third extract from Kaingza.]
- Vanna-dhamma. [The same as the first extract from Kaingza.]
- Ditto. [The same as the second extract from Kaingza.]
- Ditto. [The same as the third extract from Kaingza.]
- Manuyin. A man should chastise, but may not divorce, his wife who is guilty of any of the following six kinds of faults, namely :—  
(1) Taking spirituous liquors, (2) frequenting the houses of others, (3) telling lies, (4) idleness, (5) fondness for wrangling, and (6) associating with evil persons.
- Rasi. A wife who is guilty of any of the four kinds of female pride should be chastised, but may not be divorced. It is said in the sacred writings that when once a woman feels assured that she has complete control over a man's affections, she is apt to consider him as her slave even if he were the *Cakravate* himself.
- Ditto. A wife who is guilty of any of the five kinds of female impropriety, should be chastised, but may not be divorced. The five kinds of female impropriety are mentioned in the scriptures also.
- Ditto. A wife who is guilty of any of the five kinds of female impropriety or of the six kinds of faults should be chastised, but may not be divorced. If, however, she does not reform notwithstanding that she has been chastised, she may be divorced.
- Vinicchaya. A wife who is guilty of any of the five kinds of female impropriety, or of the six kinds of faults may be chastised by beating her moderately with the bight of a rope, a split bamboo, or a cane. She may be divorced only when she would not take any chastisement. If the husband exceeds his right in chastising the wife, as by beating her immoderately, striking her with the elbows or kicking her, she has then ground to sue for divorce and it shall be granted, partition being made as if the divorce were mutually sought.
- Manu-vanpana. [Substantially the same as the first extract from Kaingza.]



A wife may be chastised but may not be divorced for being guilty of any of the following five kinds of female impropriety, namely, (1) impropriety with regard to property, (2) impropriety with regard to dress, (3) impropriety with regard to food, (4) impropriety with regard to looking, and (5) impropriety with regard to behaviour towards men. Manu-  
vannanā.

[Substantially the same as the third extract from Kaingza.] Ditto.

[Substantially the same as the first extract from Kaingza.] Vicchedant.

A wife who is guilty of any of the five kinds of female impropriety should be chastised twice or thrice by beating her with a split bamboo. She may be divorced if she does not reform although she has been chastised several times. Let the husband take the jointly acquired property and free her from the marriage bond. Manu.

A wife who is guilty of any of the four kinds of female pride may not be divorced before she has been chastised twice or thrice. If she proves incorrigible, she may be divorced, and partition shall be made as if the divorce were desired by mutual consent. If, on the other hand, the wife sues for divorce, she shall take the property (*payin*) brought to the marriage and shall liquidate all the debts. If there is no jointly acquired property, she shall give to her husband a fourth of the property brought by her to the marriage. Ditto.

A wife who is guilty of any of the six kinds of faults should be chastised, but may not be divorced. Pānam.

A wife who is guilty of any of the five kinds of female impropriety, or of the four kinds of female pride should be chastised, but may not be divorced. Ditto.

[Substantially the same as the first extract from Pānam.] Kungya-  
linga.

A wife who is guilty of any of the six kinds of faults, or of the five kinds of female impropriety, or of the four kinds of female pride may not be slapped on the cheeks or struck with the elbow, nor may she be (divorced and) expelled, but she may be chastised by beating with a cane or the palm of the hand. Ditto.

[Substantially the same as Waru.] Warulinga.

If the wife is guilty of any of the six kinds of faults, the husband has the right to divorce her. Kyannet.

If through pride of birth a woman behaves disrespectfully towards her husband, she may be divorced: if the husband behaves similarly towards the wife, he shall be put out in the sun. Ditto.



## SECTION 274.

WHETHER ASSETS AND OTHER PROPERTY MAY BE TRANSFERRED FROM ONE TO THE OTHER BETWEEN THE CHIEF WIFE AND THE LESSER WIFE, BETWEEN FORMER AND PRESENT WIVES, AND BETWEEN FORMER AND PRESENT HUSBANDS.

Pyu. Although the husband is the lord of his wife and her property, he cannot convey the property of the chief wife to the lesser wife, or that of the latter to the former.

Kaingza. A man shall not convey the property of his chief wife to his lesser wife, or that of the latter to the former, if both wives are irreproachable. He shall be criminally punished if he contravenes this rule. If, however, one of them is not free from blame, her property may be withheld from her.

A woman shall be held liable for any compensation payable by her first or second husband because on the death of the first husband she becomes his heir. Similarly, a man shall be responsible for any compensation payable by his first or second wife because he is his first wife's heir on her death.

Kandaw. [Substantially the same as the second paragraph in Kaingza.]

Ditto [Substantially the same as the first paragraph in Kaingza.]

Vanna-dhamma. [Substantially the same as Kaingza.]

Râsi. [Substantially the same as the first paragraph in Kaingza.]

Manu-vannanâ. Debts contracted by a woman's first or second husband may be demanded from her. Similarly, debts contracted by a man's first or second wife may be demanded from him. Because, husband and wife are heirs to each other on the death of either.

The property of the chief wife shall not be conveyed to the lesser wife, or that of the latter to the former, if both of them are blameless. The husband who contravenes this rule shall be criminally punished. If, however, a wife is guilty of adultery, the husband has the right to seize all her property.

Sônda [The same as Pyu.]

Kungya-linga. The Myingun Dhammathat lays down the following rule, namely, that if a woman dies while living with her subsequent husband, the debts contracted by her during her former marriage shall be liquidated by her children of that marriage. They are also entitled to the property acquired during that marriage.



A man's wife and children of a subsequent marriage are not responsible for his debts contracted during his former marriage, nor are they entitled to the property then acquired.

[The same as the first extract from Kandaw.]

Cittara.

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SECTION 275.

AFTER A WIDOW, DIVORCEE OR SPINSTER HAS MARRIED A SLAVE, EITHER OF THEM DESIRES A DIVORCE.

If a woman who has been previously married or a spinster desires *Rāsi* to repudiate the slave whom she has married, she shall not obtain his *kobo*. Divorce shall be granted after giving him a suit of clothes consisting of a loin-cloth, coat and turban.

[Substantially the same as *Rāsi*.]

Vinicchaya.

If a woman marries her slave, he acquires the status of a husband from the day she "eats out of the same dish" with him. If she desires subsequently to repudiate him, let him obtain the whole of the jointly acquired property. Let her take the property (*payin*) which she had at the time of marriage and also liquidate the debts. The slave husband shall not be made to pay her his *kobo*. Manu-  
vaṇṇanā.

If a woman who has been previously married or a spinster desires *Pakāsanti* to repudiate the slave whom she has married, she shall give him a suit of clothes and cancel the marriage bond.

If a woman marries her slave and subsequently desires to repudiate him, let her give him a suit of clothes, and let him be excused from paying her his *kobo*. If she "eats out of the same dish" with him, he is entitled to half the jointly acquired property. Pāṇan.

[Substantially the same as *Manuvaṇṇanā*.]

Kungya-  
linga.

[Substantially the same as *Rāsi*.]

Dhamma-  
sāra.

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SECTIONS 276—296. [Omitted.]



## SECTION 297.

DIVORCE BETWEEN A HUSBAND AND WIFE ONE OF WHOM IS  
IN THE POSITION OF A BENEFACTOR OR BENEFACTRESS TO  
THE OTHER BEFORE MARRIAGE.

**Dhamma.** In the case of divorce between a couple one of whom is in the position of a benefactor or benefactress to the other before marriage, if only one party desires the divorce, the position of benefactor or benefactress shall be ignored and such party shall have no claim to the jointly acquired property to which the other is entitled, and shall be liable to liquidate the jointly contracted debts. If, however, the divorce is sought by mutual consent, then the jointly acquired property shall be divided into three shares: the benefactor or benefactress shall receive two shares, and the other one share. Debts shall be liquidated in the same proportion.

**Manugyè.** The rule relating to divorce of a couple of whom one is in the position of a benefactor or benefactress to the other before marriage is as follows —If only one party desires the divorce, his or her position of benefactor or benefactress shall be ignored, and the party shall have no claim to the jointly acquired property to which the other is entitled, and shall be liable to liquidate the jointly contracted debts. If, however, the divorce is desired by mutual consent, the jointly acquired property shall be divided into three shares: the benefactor or benefactress shall receive two shares, and the other one share. Debts shall be liquidated in the same proportion. Benefaction means saving another's life, curing another of the disease with which he or she is afflicted, saving another from criminal punishment, and procuring employment.

**Manu** If the wife desires to separate from her husband to whom she was under obligation before marriage, she shall not be compelled to discharge the obligation by pecuniary remuneration. If the divorce is sought by mutual consent, the husband, who is the benefactor, shall receive two shares, and the wife, who is the recipient of benefaction, one share when partition is made of their property. Benefaction means saving the life of another, curing the disease of which another is afflicted, conducting another's case or doing a good turn to another.

**Cittara.** In the case of divorce of a couple of whom one is in the position of a benefactor or benefactress to the other, such position shall be ignored.



SECTION 298.

DIVORCE BETWEEN A HUSBAND AND WIFE ONE OF WHOM WAS  
GIVEN BY THE KING TO THE OTHER BEFORE MARRIAGE.

A man marries the woman who was given him by the king to <sup>Dhamma.</sup> serve him. If such a couple mutually desire to divorce, their property shall be divided into three shares: the husband shall receive two shares, and the wife one share. Debts, if any, shall be liquidated in the same proportion.

The rule relating to the divorce of a couple of whom one was given by the king to the other is as follows:—The expression “given by the king” does not mean that the husband and wife are wedded by the king, but that before their marriage one was given by the king to the other to be that other’s servant. If the divorce is sought by mutual consent, let the assets and liabilities be divided into three shares; let the party who stood in the position of master or mistress get two shares, and the other party one share. The former is not entitled to get the latter’s *kobo*.

If a man desires to divorce a wife given him by the king, let the <sup>Rajabala.</sup> divorce be effected as if desired by mutual consent. Let him obtain two-thirds of the property and let her obtain one-third. Debts, if any, shall be liquidated in the same proportion. He is not entitled to obtain her *kobo*. The same rule shall, *mutatis mutandis*, apply if the wife desires to separate from the husband who was given her by the king.

The rule laid down in Manu in section 297 shall, *mutatis mutan-* <sup>Manu.</sup> *dis*, apply to a case of divorce between a couple of whom one was given to the other before marriage by the king.

*Commentary.*—Although the one may be given to the other as a slave, the former shall not be obliged to pay his or her *kobo* on divorce.

If a couple of whom the wife was given to the husband before <sup>Cittara.</sup> marriage desire to divorce, let the assets and liabilities be divided into three shares: let the husband take two shares, and the wife one share. He is not entitled to obtain her *kobo*.

If a couple of whom the wife was given by the king to the hus- <sup>Ditto.</sup> band before marriage mutually desire to divorce, the husband shall receive two-thirds of the assets and liabilities, and the wife one-third. He is not entitled to obtain her *kobo*.



## SECTION 299.

DIVORCE FROM A WIFE WHO WAS, BEFORE MARRIAGE,  
RESCUED FROM A THIEF OR AN ENEMY.

Dhamma.

A man marries the woman whom he rescued from a thief or an enemy. If they mutually desire to divorce, or if the wife desires to separate from her husband who is unwilling to divorce, let the husband take the whole of the property belonging to both, and let her give him her *kobo* according to the class to which she belongs. If the husband desires to divorce her against her wish, let him take all the property and let her be exempted from the payment of *kobo*. Debts, if any, shall be liquidated by the party desiring the divorce.

Manugyè.

A man marries the woman whom he rescued from a thief or an enemy. If such a couple mutually desire to divorce, or if the wife desires to separate from her husband against his will, let the husband take the whole of the property belonging to them, and let her give him her *kobo* according to the class to which she belongs. If the husband desires to divorce her against her wish, let him take all the property and let her be exempted from the payment of *kobo*. Debts, if jointly contracted, shall be liquidated by the party desiring the divorce.

Manu.

A man marries the woman whom he rescued from a thief or an enemy. If he desires to divorce her, let him have all the property and let her be exempted from payment of her *kobo*. If, on the other hand, she desires to separate from him, or if they both mutually desire to divorce, let her give him her *kobo* according to the class to which she belongs. So says the Rishi.

Cittara.

A man marries a woman rescued from a thief or an enemy. If she desires to separate from him, let her pay him twice her *kobo*; but if he desires to divorce her, let her be exempted from payment of her *kobo*.

## SECTION 300.

DIVORCE BETWEEN A HUSBAND AND WIFE EITHER OF WHOM  
HAS LIQUIDATED BEFORE MARRIAGE THE DEBTS OF THE  
OTHER.

Dhamma.

If, in a couple of whom one has liquidated, before marriage, the debts of the other, the liquidator desires to obtain divorce against the other's wish, let such party obtain the amount of the debts liquidated. Let the party who is unwilling to divorce obtain the jointly acquired property, and let the jointly contracted debts be met by



the party who desires the separation. If the divorce is a mutually desired one, the party who discharged the liability of the other shall be entitled to recover the amount from that other. The jointly acquired property and the jointly contracted debts shall be divided equally between them.

The rule relating to divorce between a husband and wife either of whom has liquidated, before marriage, the other's debts, is as follows:—If the party who liquidated the debts desires the divorce against the other's wish, let the amount liquidated be given to the former. Let the jointly acquired property be obtained by the party who is not desirous of divorce, and let the jointly contracted debts be liquidated by the party who is desirous of it. If the divorce is sought by mutual consent, the party who liquidated the debts of the other is entitled to receive from that other the amount so liquidated. The jointly acquired property and the jointly contracted debts shall be divided equally between them.

The rule that between husband and wife each is at liberty to expend the other's property applies to a couple of whom both have been previously married. The rule does not apply to those who have never before been married: in their case therefore, partition on divorce shall be made as laid down above.

If the husband desires to divorce the wife whose debts he liquidated before marriage, let her restore to him the amount liquidated. If the divorce is desired by mutual consent, the same rule shall apply, and the property belonging to them shall be divided equally between them.

If the wife, whose debts were liquidated before marriage by the husband, desires to separate from him, she shall restore the whole of the amount liquidated. The party who desires the divorce shall liquidate the jointly contracted debts and bear the legal costs, and the party who does not desire it shall obtain all their property.

#### SECTION 301.

THE WIFE IS FREE TO MARRY ANOTHER MAN AFTER THREE YEARS' ABSENCE OF THE HUSBAND AT HIS PARENT'S HOUSE.

After three years of the husband's return to his parents' house the wife shall no longer be bound by the marriage tie. Because, she has shown much patience (in waiting so long).

O great king! The wife shall wait for her husband three years if he returns to his parents' house, four years if



in search of wealth, six years if he goes in pursuit of knowledge, and eight years if he goes to war.

Kaingza. If the husband leaves the wife after having told her the time of his return, and after accommodating her with a house and providing her with property, slaves, food, &c., for her maintenance, her parents cannot resume her. She shall wait for him three years, at the end of which she is at liberty to marry again.

Ditto. The husband leaves the wife and returns to his parents: if for three years he does not send her any means of maintenance, not even clothing, she is at liberty to marry again whether the couple lives with, or apart from, her parents.

Ditto [The same as Mano.]

Dhamma-  
thatkyaw. The wife shall no longer be bound by the marriage tie if her husband, who belongs to some distant land, has returned thither and has not communicated with her for three, four, or five months, notwithstanding her endeavours to obtain information about him.

Kandaw. [Substantially the same as the first extract from Kaingza.]

Ditto [Substantially the same as the second extract from Kaingza.]

Tejo. [The same as Mano.]

Vanna-  
dhamma. After three years' absence of the husband who has returned to his parents, the wife shall no longer be bound by the marriage tie. Because, for those three years she has shown much patience. By the last preceding sentence it must be understood that she is accorded the right of taking another husband after the lapse of three years, because she has waited patiently for her husband three years although he has neither returned to her, nor sent her anything during that period; and she has moreover conducted herself well. The rule applies when the husband absents himself without cause, and it has no application when he is absent for the purpose of acquiring wealth.

Ditto. [Substantially the same as the first extract from Kaingza].

Ditto. After a duly wedded couple has set up house the husband returns to his parents. If he does not send the wife any clothing or means of maintenance, she shall wait for him three years, at the end of which she shall no longer be bound by the marriage bond.

Râsi. [Substantially the same as the second extract from Kaingza.]



[Substantially the same as Mano.]

Rast.

[Substantially the same as the first extract from Kaing-  
za.] Ditto.

[Substantially the same as the second extract from Kaing-  
za.] Manu-  
vanṇanā.

If the husband returns to his parents' house, the wife shall be Ditto.  
freed from the marriage bond after three years.

The wife is at liberty to marry again when her husband, who is Ditto.  
a native of some distant land, has been absent three years.

[Substantially the same as the first extract from Kaing-  
za.] Pāṇan.

The wife shall wait three years if the husband returns to his Ditto.  
parents.

If, after the parents have given their daughter in marriage to a Kungya-  
man, he returns to his native place, she shall be at liberty to marry linga.  
again after three years of his absence. He shall not subsequently  
claim her as his wife. This rule is laid down in the second volume  
of the Shwemyin Dhammathat.

[Substantially the same as the above extract.]

Ditto.

[Substantially the same as Waru.]

Warullinga

[Substantially the same as the first extract from Kaingza.]

Cittara.

[Substantially the same as the second extract from Kaing-  
za.] Ditto.

### SECTION 302.

THE HUSBAND MAY PUT AWAY A WIFE, WHO IS IN THE HABIT  
OF USING ABUSIVE LANGUAGE TOWARDS HIM, AND MARRY  
ANOTHER WOMAN.

If the wife is in the habit of using abusive language towards the Mānussika.  
husband, he may marry another woman.

The husband may put away his wife who is in the habit of using Myingun.  
vile and abusive language towards him, and take another wife.

[The same as Manugyè in section 225.]

Manugyè.

If the wife is abusive and vile in her language the husband may Kyannet.  
take another wife.



Kyannet. The husband may marry another woman if his first wife, through carelessness, causes loss of property, or is vile and abusive in her language, or is always cross and overbearing, but she shall not be put away.

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SECTION 303.

THE WIFE CANNOT OBTAIN A DIVORCE FROM THE HUSBAND WHO IS GUILTY OF CRUELTY FOR THE FIRST TIME ; HE SHOULD BE MADE TO EXECUTE A BOND FOR HIS FUTURE GOOD BEHAVIOUR.

Yazathat. If the husband denies his wife's accusation that he has been cruel to her, let her produce witnesses in support of her allegation. If the witnesses state that they merely heard the quarrel and the abusive language used, but did not actually see her beaten or struck with the elbows or fists, the case shall not as yet be thrown out if she states that she still bears marks of injury on her person. If she is able to substantiate her statement by showing such marks it shall be decided as follows :—The costs of the suit shall be borne entirely by the husband, and he shall be permitted to resume cohabitation as usual after binding him to the following conditions, namely, that he is not to treat her with cruelty a second time ; and that if he is again guilty of cruelty, he shall make over the whole of their animate and inanimate property and the household furniture to her, and liquidate the jointly contracted debts : at the same time all conjugal relations between them shall cease, and he shall leave the house with only a suit of clothes on him. If the wife declares that she cannot abide by the decision and presses her suit for divorce, it shall be granted even if the husband does not wish it, and although he may undertake to cherish and love her more than he used to formerly. But since she does not by her persistence show much forbearance towards her husband and is unable to pardon his first and only fault, the divorce shall be effected as if it were desired by both parties. The assets and liabilities shall be divided equally between them.

Manugyè. If it is proved that the husband takes a lesser wife and ill-treats the chief wife by abusing and beating her, or striking her with the elbows or fists, let such ill-treatment be overlooked for the first time, and let the cohabitation continue as usual. But if he ill-treats her a second time, he shall leave the house with only a suit of clothes on, and shall, moreover, liquidate all debts. If she declares that she does not wish to resume cohabitation and presses for divorce, let divorce be granted even if the husband objects to it, and let their



property be divided equally between them, the divorce being considered as if it were desired by mutual consent.

*Another rule*:—If it is proved that the husband is again guilty of ill-treatment after he has been bound over to treat his wife\* kindly, she shall obtain the whole of their animate and inanimate property, and he shall liquidate all debts and leave the house with only a suit of clothes on. If there are neither assets nor liabilities he shall give her his *kobo*, assessed according to the class to which he belongs. So says Manu, the Rishi.

If the wife accuses the husband of cruelty and he denies the ac- <sup>Ras</sup>cusation, let her produce evidence in support of her allegation. Though the witnesses may state that they heard abusive language used, but that they did not see the beating or the striking with the elbows as the quarrel was inside the house, yet if there are marks of violence and injury on her person, the case shall be decided as follows :—

The husband shall be permitted to resume cohabitation as usual, but on the express understanding that he is not to ill-treat her in future, and that, if he is again guilty of wanton cruelty, he shall make over the whole of the animate and inanimate property to the wife, liquidate the jointly contracted debts and leave the house with only a suit of clothes on, and all conjugal relations between them shall cease. If the wife declares that she cannot resume cohabitation, divorce shall be granted her even if he objects to it, and it shall be effected as if both parties desire it. If, on the other hand, the husband desires to divorce her, she shall obtain the whole of their animate and inanimate property, and he shall liquidate all their debts.

[Substantially the same as Yazathat except that it con- <sup>Vinicchaya</sup>tains the following additional provision —]

If, on the other hand, the husband also desires the divorce, let him relinquish all claims to the property belonging to them, liquidate all debts, and free her from the marriage bond.

[Substantially the same as Yazathat except that it con- <sup>Pākāsan</sup>tains the following additional provision :—]

If, notwithstanding that the charge of cruelty is proved against him, the husband sues for divorce, let it be granted, but let him make over the whole of their property to the wife and liquidate all the debts

If the wife accuses her husband of cruelty, let her produce wit- <sup>Rājabala</sup>nesses in support of the accusation. Although the witnesses may



state that they did not see her beaten or struck, but that they heard the abusive language used, still the accusation shall be considered as proved if there are marks of violence or injury on her person. Divorce may not, however, be granted yet, and the husband may be permitted to resume cohabitation as usual after binding him over to treat the wife kindly in future. If the wife still presses her suit for divorce, it shall be granted, but it shall be effected as if it were desired by mutual consent. Thus should the wise decide.

Manu.

If the husband lives with the lesser wife and ill-treats the chief wife, the latter should forgive him for the first time, and resume cohabitation as usual after binding him to the condition that he shall liquidate all debts and leave the house with only a suit of clothes on if he is guilty of cruelty a second time. If he fails to abide by the condition and is again guilty of ill-treatment, the wife has the right to claim divorce even against the husband's wish. The divorce shall, however, be effected as if it were sought by both, and an equal partition shall be made of their property. The wife shall not claim to have the terms of the condition enforced. So says the Rishi. If (after ill-treating the wife) the husband desires to divorce her, he shall liquidate all debts and leave the house with only a suit of clothes on, while she shall obtain the whole of their property. If there is no property he shall give her his *kobo*.

Pānañ.

If the wife accuses her husband of cruelty let her substantiate her accusation by producing witnesses. Decision shall still be made against the husband though the witnesses produced can merely state that they heard abusive language only, provided that there are marks of violence and injury on her person. He shall, however, be permitted to resume cohabitation as usual on the condition that he shall leave the house with only a suit of clothes on if he is again guilty of cruelty. But if the wife insists on obtaining divorce, let it be granted, and let it be effected as if it were mutually sought. If, on the other hand, the husband also sues for divorce, he shall make over the whole of their property to her and liquidate all the debts.

Rescript.

The bond of union between husband and wife is very sacred and it should not be lightly severed. If either seeks or both seek divorce, strict inquiry shall be made as to who is in fault, and the guilty party shall be admonished (but divorce may not be granted yet.) If, notwithstanding such admonition, the guilty party misbehaves himself or herself and desires divorce, he or she shall be made to pay the innocent party the penalty for misbehaviour and that for bringing about disruption of the union.



If the husband and wife neither of whom has been previously married, disagree about the acquisition and disposition of property, quarrel with each other and sue for divorce, it shall not be granted immediately : let them live as usual after mutually binding themselves to act in concert and to live in harmony. If either party would not accept such decision but presses for divorce, let it be granted, and let such party pay his or her *kobo* to the other. Payment of *kobo* may be excused if there is jointly acquired property equal to or in excess of the *kobo*. Kungya-linga.

[Substantially the same as Yazathat.]

Cittara.

If the wife accuses her husband of treating her with cruelty because she quarrels with his lesser wife, let her forgive him the first time even if the accusation is proved to be true, and let her resume cohabitation as usual on the condition that she is to obtain the whole of their animate and inanimate property, and he to liquidate all debts, if he is again guilty of cruelty: On the husband being subsequently found ill-treating his wife she has the right to obtain divorce even against his wish, but she cannot claim to have the said condition enforced: let the divorce be as if it were mutually sought. Ditto.

#### SECTION 304.

IF EITHER THE HUSBAND OR THE WIFE IS GUILTY OF WANTON CRUELTY, HE OR SHE TO BE CRIMINALLY PUNISHED.

If the husband is guilty of wanton cruelty towards the wife, he shall be criminally punished. The wife shall be similarly punished if she is guilty of a like offence towards the husband. Dhamma-thakkyaw.

If the wife behaves disrespectfully towards the husband, she shall be publicly chastised. Such a wife shall not inherit her husband's property on his death. If, however, the wife is obedient and economical, she shall inherit her husband's estate. He shall not find fault with such a wife, nor shall he beat her without cause. If he does so he shall be criminally punished. Kyannet.

The husband shall not beat his wife who is faultless: if he does so, he shall be punished. Ditto.

A wise husband continually watches over and chastises his wife in such matters as the following, namely, saving of property, causing loss of property, trading and the preparation of the daily meals. Ditto.



## SECTION 305.

THE HUSBAND OR WIFE NOT TO DESERT EACH OTHER WHEN  
EITHER IS IN TROUBLE.

Dhamma-  
thatkyaw. The husband should not desert his wife when a serious and grave charge is made against her, and the wife should not forsake her husband when he is under similar circumstances. The party who so deserts or forsakes shall be punished.

Râsi. The wife should not desert her husband when he is afflicted with disease or has become liable to criminal punishment: if she does so she shall be sold or severely punished.

## SECTION 306.

IF EITHER THE HUSBAND OR THE WIFE ABANDONS THE  
OTHER, HE OR SHE TO BE CRIMINALLY PUNISHED.

Mānussika. If a man abandons his parents, wife or children without cause, he shall undergo six hundred lashes.

Manugyè. If either the husband or the wife is guilty of desertion, he or she shall undergo six hundred lashes. The corporal punishment shall not be remitted even if the guilty party undertakes to support the other.

## SECTION 307.

A MAN AFTER DIVORCING THE WIFE WHO HAS CURED HIM OF  
DISEASE OR SAVED HIM FROM DANGER, MARRIES ANOTHER;  
SUBSEQUENTLY WHEN AGAIN THREATENED WITH DANGER  
OR DISEASE HE WISHES TO RESUME CONJUGAL RELATIONS  
WITH HIS FORMER WIFE.

Myingun. The wife cures her husband of some disease with which he is afflicted, or saves him from criminal punishment. He, however, neglects her and takes another wife. If he desires to resume co-habitation with the former wife when he is again threatened with disease or punishment, she shall receive him back after disgracing him and treating him like one born of a slave in her house or of a hereditary slave.

Manuyin. The husband neglects his wife, who has cured him of some disease, or saved him from criminal punishment, and takes another. If he desires to resume co-habitation with the former wife when he is again threatened with disease or punishment, he shall be received back after being publicly disgraced.



If the wife succeeds in curing the husband of any disease <sup>Râsî.</sup> with which he is afflicted, or saves him from criminal punishment, he should treat her with respect and should not take another wife. If, after taking another wife, he desires to return to his former wife when threatened with disease or punishment, she shall receive him after disgracing him and treating him like a slave born and bred in her house.

The husband should honour his wife, who has saved him from <sup>Ditto.</sup> danger or secured his personal comfort. The following is a precedent:—

In times past the embryo Buddha was a king of Benares. When he grew old and infirm he made over the reins of government to his son Sotthisena, renounced the world, and living in the royal gardens devoted himself to ascetic pursuits. Being afflicted with leprosy, Sotthisena also abdicated the throne and retired to live in the woods, whither he was accompanied only by his queen Sambhûla Devî, and she was his sole support in his retirement. One day while out alone in the woods in search of fruits she fell into the hands of a *rakkha* (ogre), who threatened to take her life if she would not gratify his lust. Notwithstanding the threat she resisted the *Rakkha's* overtures and remained chaste and pure. In consequence of the encounter she reached their place of abode later than usual. Her husband taking note of the late arrival became suspicious and accused her of infidelity. Wishing to prove her innocence to her lord, she took some water in a golden cup and made an asseveration that she never even entertained feelings of affection for another man since she became his wife. She then poured the water over which she had solemnly pronounced the truth, on the person of her husband. By virtue of the truth of her assertion the king was immediately cured of leprosy in the same way as an acid would remove verdigris from a copper vessel. After staying two or three days longer in the woods they returned to the city. The king resumed the government of his kingdom and conferred the position and dignity of chief queen on Sambhûla Devî. She had the complexion of a steady oil flame, and was therefore loved even by the *nats* and *rakkhas*. In the subsequent enjoyment of his royal estate and his princely splendour and magnificence, the king neglected to accord due attention to even such a woman as Sambhûla Devî. Feeling aggrieved, she complained of his neglect to her father-in-law, who then admonished his son as follows:—

“O, my royal son! It is not easy for a man to obtain a loving wife who will bring comfort and peace of mind to him. Similarly it is not easy for a woman to obtain a loving husband who will pro-



cure her peace and comfort. This Sambhūla Devī loves and cherishes you and is replete with every virtue. You should therefore be ever mindful of your duties towards her and accord her the honour and attention she deserves at your hands." Acting on this admonition the king apologised to her for his past remissness, conferred on her further favours, and from that day forth he lived peaceably and amicably with her. So it is narrated in the Sambhūla Jātaka.

Therefore the rule laid down in the Dhammathats that the husband should honour and cherish the wife, who has at heart his welfare, physical, mental, and moral, is in perfect concord with the doctrine contained in the sacred writings as illustrated by the story narrated therein.

**Vicchedani.** The husband repudiates his wife who has saved him from criminal punishment, and takes another. If he desires to return to his former wife because of another impending criminal punishment, she shall receive him after publicly disgracing him.

**Kyannet.** She is a noble wife who does not desert her husband though he may become liable to suffer death or to pay compensation or fine, or become blind, paralytic, or leprous. Such a wife should never be forsaken. If, however, the husband does not love her, but neglects her and takes another wife, and subsequently when again threatened with danger to life or limb or to property, he returns to her, he shall be criminally punished; she shall, however, receive him after publicly disgracing him and treating him like a purchased slave.

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#### SECTION 308.

THE HUSBAND HAS THE RIGHT OF PUTTING AWAY THE WIFE WHO IS GUILTY OF MISCONDUCT, BUT SUCH RIGHT CANNOT BE EXERCISED BY THE WIFE AGAINST THE GUILTY HUSBAND.

**Kyannet.** Every rule of propriety should be observed between husband and wife for their joint welfare. Each is benefited by the other's good behaviour. The husband has the right to seek another woman if the wife is guilty of misconduct; but the wife has no such right against the guilty husband, and she shall be punished if she repudiates him.



## SECTION 309.

THE WIFE WHO FAILS TO MAINTAIN HER HUSBAND WHO MEETS WITH A REVERSE OF FORTUNE, OR WHO IS PHYSICALLY INCAPACITATED, IS LIABLE TO PUNISHMENT.

If the wife fails to maintain her husband who experiences adverse circumstances or has become leprous, insane, blind or otherwise incapacitated, she shall be severely punished and compelled to maintain him. The same rule shall, *mutatis mutandis*, apply if the husband fails to maintain his wife when she is in a similar plight. Mānussika.

If the wife does not love her husband, who has been stricken down with disease (leprosy) or has become blind, and does not maintain him, she shall be severely punished. She shall be made to remain with him for a year, and if, at the end of that period, she does not change her mind although she has been requested to do so by many persons, she shall be deprived of all her property and expelled. Pṛy.

If the wife fails to maintain or neglects to look after her husband who has lost his possession, or has become leprous, insane, blind, or maimed, she may either be sold or be severely punished and compelled to try and cure him of the disease, and to maintain him as long as he lives. Vilāsa.

The wife should always bear in mind that her material welfare and comfort depend on her husband's prosperity, and she should therefore always act jointly and in consultation with him for their common good, and should never think of dealing with him fraudulently. If, however, the wife repudiates her husband who meets with a reverse of fortune or has undergone some calamity, she may be either sold or severely punished. Myingun.

If the wife neglects and does not maintain her husband who has lost his property, or has been stricken down with severe illness, or has become leprous, insane, or blind, she may be either sold or criminally punished and compelled to maintain him. Dhamma-  
thatkyaw.

[Substantially the same as Vilāsa.]

Vaṇṇanā.

The wife should maintain her husband who is insane, lame, blind, or incapacitated by disease. If she fails in this duty, she shall be deprived of all her property. Manuyin.

[Substantially the same as Vilāsa.]

Rāst.

If, owing to past demerit, the husband becomes insane, blind, or is stricken down with illness, the wife shall maintain him. If she

Ditto.



fails do so, she shall be deprived of all her property. If she is guilty of gross negligence and misconduct she may be divorced or sold.

Vicchedanī. If the wife does not maintain her husband, who has become insane, lame, blind, or has been stricken down with illness, she shall be deprived of the whole of her property.

Sōnda. If the wife does not love her husband, who has become afflicted with disease (leprosy), or has grown blind, and does not maintain him, she shall be very severely punished.

Manu. If the wife does not maintain her husband, who is leprous, or insane, she shall be deprived of all her property, criminally punished, and expelled.

Pāṇam. If the wife does not maintain her husband, who has become leprous, insane, or blind, or has lost his fortune, she may be either sold or compelled to maintain him for life.

Kyetyo. [Substantially the same as Pāṇam.]

Kyannet. If the wife desires to forsake her husband, who has become blind, or stricken down with illness, or leprous, or has lost his fortune, she shall be punished.

#### SECTION 310.

THE HUSBAND, WHO FAILS TO MAINTAIN HIS WIFE WHO MEETS WITH A REVERSE OF FORTUNE, OR WHO IS PHYSICALLY INCAPACITATED, IS LIABLE TO PUNISHMENT.

Mānussikā. [The same as in section 308.]

Vilāsa. If the husband neglects and does not maintain his wife who has become insane, maimed, blind, or afflicted with disease, or has lost all her property, let a complaint be made to the authorities and let him be criminally punished. Let him also maintain her for life, and if he does not wish to do so, let him make over the whole of their property to her, liquidate all the debts, and be expelled from the family. The marriage shall also be dissolved. So says Manu, the Rishi.

Dhamma-thakya. If the husband neglects and fails to maintain his wife, who has become an invalid, blind, or afflicted with leprosy, or has lost all her property, let him be criminally punished and made to support and maintain her. If he does not wish to do so, let him make over all their property to her, and liquidate all debts; let the relatives expel



him from the family; and let the wife be freed from the marriage bond.

[Substantially the same as Vilāsa.]

Vaṇṇanā.

[Substantially the same as Vilāsa.]

Rāsi.

The rule laid down in section 309 shall, *mutatis mutandis*, apply if the husband is guilty of a like offence. Or he may be made to deliver up half his property and be criminally punished.

If the husband is guilty of the offence ascribed to the wife in section 309, let him be punished. Let him also maintain her, and if he does not wish to do so he may obtain a divorce only on his liquidating all the debts.

[Substantially the same as Vilāsa.]

Kyetyo.

The rule laid down in section 309 shall, *mutatis mutandis*, apply when the husband is guilty of a like offence.

#### SECTION 311:

IF EITHER THE HUSBAND OR THE WIFE IS SUFFERING FROM A LONG-STANDING DISEASE, SHE OR HE MAY TAKE ANOTHER HUSBAND OR WIFE, PROVIDED THAT THE INVALID HAS GIVEN HIS OR HER CONSENT.

If the wife is afflicted with a long-standing disease, the husband should entrust her to the care of his or her parents; and if he is in prosperous circumstances, he may take another wife after obtaining the consent of the invalid. If she objects to his taking a second wife and desires to leave him he should dissuade her in the presence of her relatives.

If the wife is afflicted with some severe illness or painful disease, she should provide her husband with another woman to minister to his wants. If he does not wish to have the woman thus provided for him, he may, with his wife's consent, marry another woman.

If the wife is afflicted with a long-standing disease, the husband should carefully maintain her and endeavour to cure her of the disease. He may, with her consent, take another wife. Thus has Manu laid down.

If the wife is afflicted with any of the diseases enumerated in Dhamma in section 232, the husband shall not forsake her but shall maintain her. He may, however, take another wife. If, after taking another wife, he neglects to maintain the invalid, he shall give half



the property belonging to them to her parents ; and if he refuses to do so, he shall be punished severely and deprived of all his property.

Manu-  
vannanā

If the wife who is replete with virtue suffers from a long-standing disease, the husband may take another wife after obtaining the consent of his invalid wife. Similarly, if the husband who is kind and affectionate is afflicted with a long-standing disease, the wife may take another husband after obtaining the permission of her invalid husband.

Sōnda.

[The same as Pyu.]

Cittara.

If the wife is afflicted with leprosy or is lame or blind, the husband shall not forsake her, but shall look after and maintain her. He may take another wife, but shall still maintain the invalid ; and if he fails to do so, he shall give her half the property belonging to them.

Kyannet.

If the wife who is virtuous and dutiful is afflicted with a painful disease, the husband should gently win her consent to take another wife. If she refuses to give it, let him ask her three times, and after the third time he may marry again of his own accord. If, objecting to his second marriage, she wants to leave him, he should dissuade her ; but if she insists on leaving him, he should make her over to the care of his or her relatives.

#### SECTION 312.

WHETHER MARRIAGE IS DISSOLVED WHEN EITHER THE HUSBAND OR THE WIFE LEAVES THE HOUSE, OR SAYS TO THE OTHER "I DO NOT LOVE YOU."

Vilāsa.

If, disliking the husband, the wife leaves him, he shall wait a year, at the expiry of which he may demand restoration of all the bridal presents specifying them, and when he has obtained them he may expel her from the house. So says Manu, the Rishi.

Waru.

If, through disagreement or anger, the husband lives separately from the wife though both are resident in the same locality, the marriage shall become null and void after three years of such separation.

Myingun.

If the wife abuses her husband and tells him to leave the house saying that she has no affection for him, and even if there has been a separation between them in a court of law, she may resume conjugal relations with him if he returns to her subsequently.

Dhamma-  
thatkyaw.

If the wife leaves her husband through want of affection for him, he shall wait ■ year for her, at the end of which he may expel her



from the house after depriving her of the bridal presents and the household furniture.

If, after a quarrel, the husband leaves the wife, and for three years does not send any means of maintenance, let her have the right to marry again. If the wife leaves the husband and he does not send her any means of maintenance for a year, let each have the right to marry again. If the wife marries before the expiry of three years after her husband has left her, the husband shall be entitled to obtain the whole of the property belonging to them. If, on the other hand, the husband marries again before a year has elapsed after his wife has left him, she shall be entitled to the whole of their property. Neither of them shall accuse the other of being guilty of adultery.

If the husband leaves his wife saying that he has no affection for her, and does not, for three years, send any means of maintenance, each shall have the right to marry again after the expiry of that period. If, disliking the husband, the wife leaves him, and he does not send her any means of maintenance for a year, each shall at the end of that period have the right to marry again, and no claim shall be made by either for restitution of conjugal rights. If the wife marries before the expiry of three years after her husband has left her, he may demand from her the whole of the bridal presents and the property belonging to them. If, on the other hand, the husband marries again before a year has elapsed since his wife's departure, she may demand from him the whole of the bridal presents and their joint property. If the party in fault comes to the house of the other party, the latter may expel the former, but shall not accuse him or her of having committed adultery.

If the wife, disliking her husband, leaves him, he shall wait a year for her, after the expiry of which period he may demand from her the whole of the bridal presents and expel her from the house.

[Substantially the same as Vilâsa.]

RÂSI.

Marriage between a couple shall not be deemed to be dissolved on the ground that the wife says that she does not wish to cohabit any longer with the husband, or because they separate from each other without making a division of their property. But it shall be deemed to be dissolved if they divorce by mutual consent after dividing their property. If, after such dissolution of marriage, either of them uses violence against the other, he or she shall be criminally punished, and, according to another authority, shall also be liable to pay compensation.

Ditto.



- Manu-  
vannanā. If, through anger, the husband or the wife says to the other that he or she has no affection for the other, the marriage shall not as yet be considered as dissolved; but it shall be so if they divorce after having partitioned between them their assets and liabilities.
- Ditto. The husband leaves the wife saying that he does not love her, and remains away for several years. If she marries again publicly she shall not be liable to pay any compensation to her former husband, and he shall be severely punished if he subsequently claims her as his wife and attempts to forcibly resume conjugal relations.
- Rājabala. If, having no affection for his wife, the husband leaves her and for three years does not send her any means of subsistence, she shall have the right to marry again. If the wife leaves the husband for the same reason and no means of livelihood is sent for a year, he shall have the right to marry again. If either the husband or the wife marries again before the period specified has expired, he or she shall be deprived of all the property belonging to them, and shall be expelled if he or she returns to the house (of the party who is not in fault).
- Sōnda. If the wife does not love her husband, let him continue to cohabit with her for a year. If she does not change her mind at the end of that period though requested to do so by many persons, she shall be expelled after taking from her the whole of the joint property.
- Manu. If the husband and wife quarrel and either leaves the house, each shall have the right to marry again after three years of such separation, provided that no means of maintenance have been given in the meantime by one to the other. If either of them marries again before the expiry of three years, the other shall obtain the whole of their property, and conjugal relations shall no more be resumed.
- Cittara. Marriage shall be dissolved if the husband leaves his wife saying that he does not love her, and remains away for three years. She shall then have the right to marry again. On the other hand, if the wife leaves her husband, he shall have the right to marry again after the lapse of a year.
- Ditto. If the husband leaves his wife and resides in a distant place, she shall wait for him three years.
- Kyetyo. [Substantially the same as Vilāsa.]
- Kvannet. The wife, disliking her husband, leaves him and seeks the protection of the authorities or relatives. If she misconducts herself she shall not be freed from the marriage bond though she may be



separated from him for a long time. If she seeks divorce she shall be deprived of all her property and made to pay her *kobo*.

The marriage shall not be dissolved by the husband leaving his wife saying that he does not love her, whether she objects to his leaving her or whether, through anger, she lets him go away in the presence of their relatives. Kyannet.

#### SECTION 313.

AFTER DIVORCE, THE WIFE MAY MAINTAIN ANOTHER MAN WITH THE PROPERTY OF HER FORMER HUSBAND, AND THE LATTER SHALL HAVE NO RIGHT OF INTERFERENCE.

If the divorce be at the instance of the husband and against the wishes of the wife, he shall not demand restoration of his property with which she supports another man. If he makes any such demand he shall be punished. Manussika.

#### SECTION 314.

AFTER THE DEATH OF THE FIRST WIFE WHO WAS MARRIED AFTER GIVING BRIDAL PRESENTS, THE WIDOWER MARRIES HIS DECEASED WIFE'S SISTER, ALSO AFTER GIVING BRIDAL PRESENTS; ON HIS DIVORCE FROM THE SECOND WIFE HE CLAIMS THE RESTORATION OF THE BRIDAL PRESENTS GIVEN AT BOTH MARRIAGES.

On the death of the first wife who was married after giving bridal presents, the widower marries his deceased wife's sister also after giving bridal presents. If he divorces the second wife, he cannot demand the restoration of the bridal presents given at both marriages. Because, he has acted fraudulently. Kaingza.

[Substantially the same as Kaingza.]

Kandaw.

[Substantially the same as Kaingza.]

Panam.

#### SECTION 315. [Omitted.]

#### SECTION 316.

IF A MARRIED DAUGHTER IS MEDICALLY TREATED AT HER PARENTS' HOUSE, HER HUSBAND SHALL DEFRAY ALL EXPENSES.

A married daughter living apart from her parents becomes seriously ill, and her husband not caring to attend on her personally, Kaingza.



conveys her to her parents' house where she is taken care of, and medical treatment procured, by them. On her recovery her husband shall defray all the expenses incurred on her account. Because, though the parents maintain and look after their daughter before marriage, she passes on marriage to the control and guardianship of her husband.

Kandaw.

[Substantially the same as Kaingza.]

V a n n a-  
dhamma

The husband neglects to look after his wife who is seriously ill, and her parents therefore take her to their house and attend on her. The husband shall defray all the expenses incurred on her account.

Râst.

[Substantially the same as Kaingza.]

Manu-  
vannanâ.

A married daughter living apart from her parents falls ill, and her husband, not caring to attend on her personally, removes her to her parents' house. If she recovers under her parents' care and medical treatment, her husband shall defray all the expenses incurred by them if he desires her return to his protection.

Pânam.

A married daughter living apart from her parents falls ill and is taken care of and medical attendance procured by them as her husband neglects her. On her recovery the husband shall defray all expenses.

Cittara.

[Substantially the same as Kaingza.]

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#### SECTION 317.

#### THE WIFE RETURNS TO HER PARENTS DURING THE HUSBAND'S ABSENCE ON A LONG JOURNEY.

Kaingza.

If the wife returns to the house of her parents or relatives without waiting (for her husband who has gone on a long journey), she deserves public reproach. But if the husband has not provided her with any means of subsistence, she does not deserve such reproach though her action in returning to her parents' house may not strictly be regarded as right and proper.

Kandaw.

If the wife returns to her parents before the arrival of her husband who has, after providing her with all means of living, gone on a long journey, she deserves public reproach. But if no such provision has been made, she is exonerated from all blame.

Râst.

If the wife returns to the house of her parents or relatives without waiting (for the return of her husband who has gone on a long journey), she deserves public reproach. If no provision has been



made for her maintenance, she should support herself by honest means and wait for her husband.

[The same as Kandaw.]

Cittara.

### SECTION 318.

THE PARENTS UTILIZE THE SERVICES OF A MARRIED SON HAVING A SEPARATE ESTABLISHMENT, AND THE SON DIES WHILE IN SUCH SERVICE: HIS WIFE SHALL NOT MAKE ANY COMPLAINT AGAINST THEM.

The parents utilize the services of a married son living with his parents-in-law. If the son dies in such service there shall be no cause of action against the parents. Because, parental love is very great.

[The same as Mano.]

Kaingza.

[Substantially the same as Mano.]

Kandaw.

[The same as Mano.]

V a n n a-  
dhamma.

[Substantially the same as Mano.]

Manu-  
vannanā.

[Substantially the same as Mano.]

Pāṇam.

### SECTION 319.

THE SON-IN-LAW SHOULD DWELL FOR THREE YEARS IN THE HOUSE OF THE PARENTS-IN-LAW BEFORE DEPARTURE.

The son-in-law is freed from obligation to the parents-in-law after serving them three years. They are entitled to enjoy any presents which may be made by him, and his parents are not entitled to recover such presents.

The son-in-law should serve and maintain his parents-in-law three years, after which he is emancipated from their control.

It is only in compliance with local custom that the son-in-law is required to serve his parents-in-law three years before he may leave them.

### SECTION 320.

THE PARENTS WITHHOLD THEIR DAUGHTER FROM THEIR SON-IN-LAW FOR HAVING ABUSED THEM; THE DAUGHTER SHOULD BE RESTORED TO HER HUSBAND ON HIS TENDERING AN APOLOGY AND SHOWING DUE RESPECT.

The parents withhold their daughter from her husband for having abused them. If, after the lapse of some time, he tenders an



apology and pays them due respect, they shall restore their daughter to him.

Kaingza.

[Substantially the same as Mano.]

Dhamma-  
thatkyaw.

If the son-in-law is disrespectful to his parents-in-law and ill-treats them, they shall withhold their daughter from him. If, subsequently becoming aware of his fault, he apologises to them they shall restore his wife to him.

Vanna-  
dhamma.

[Substantially the same as Mano.]

Pānañ.

[Substantially the same as Mano.]

Kyannet.

If the son-in-law abuses his parents-in-law, they have the right to withhold their daughter from him. If he apologises to them and begs their pardon, she shall be restored to him.

#### SECTION 321.

IF THE SON-IN-LAW ASSAULTS THE PARENTS-IN-LAW, ALL HIS PROPERTY SHOULD BE SEIZED AND HE SHOULD BE EXPELLED.

Mano.

If a son-in-law assaults his parents-in-law, he shall be deprived of all his property and expelled. Because, he shows no veneration for age, and breaks the customary rules of conduct observed in society according to the relationship of one to another either by blood or by marriage.

Kaingza.

[Substantially the same as Mano.]

Dhamma-  
thatkyaw.

If, ignoring the honour due to parents-in-law, the son-in-law assaults or ill-treats them, he shall be deprived of all his household furniture and expelled from the house. Because, he shows no respect for age, and breaks the customary rules of conduct observed in society.

Vanna-  
dhamma

A man having brought with him the property given him and his wife by his parents lives in the house of his parents-in-law. If he quarrels with his parents-in-law, they are entitled to seize the property belonging to him and his wife.

Ditto

[Substantially the same as Mano.]

Pānañ.

[Substantially the same as Mano.]

Kyannet.

If the son-in-law is subsequently (*i.e.*, after he has committed an insult) guilty of assaulting his parents-in-law, they shall have the right to recover their daughter and seize all his property. Because,



he is no respecter of age, but a breaker of the customary social rules observed among relatives, whether connected by blood or by marriage.

### SECTION 322.

AFTER DISSOLUTION OF MARRIAGE, A MAN AND WOMAN SHALL NOT, ON THE STRENGTH OF THEIR FORMER RELATIONSHIP, OFFEND EACH OTHER.

If, after dissolution of marriage, the parties offend each other Vilāsa. on the strength of their former relationship, the offender shall, if the offence is not acquiesced in by the party wronged, be liable to pay compensation according to the nature of the offence. If the party wronged acquiesces in the offence, it shall be considered that conjugal relations still exist between them.

Husband and wife divorce by mutual consent, and partition their Myingun. property. If, after such divorce, he desires to resume conjugal relations against her will, he shall be criminally punished, and shall also be liable to pay compensation.

If, after dissolution of marriage, the parties offend each other, Vannanā. the offender shall, if the offence is not acquiesced in by the party wronged, be liable to pay compensation according to the nature of the offence.

A couple divorce by mutual consent: if the husband ill-treats Manuyin. the wife after such divorce on the strength of their former relationship, he shall be criminally punished.

[Substantially the same as Vilāsa.]

Rāsi.

[The same as the second extract from Rāsi in section Ditto.  
312.]

If, after dissolution of marriage and partition of property, the Manu- man has sexual intercourse without the woman's consent, or she vannanā. has sexual union without his consent, on the strength of their former relationship, the whole of the property belonging to the offender shall be seized, and even the offender himself or herself may become the property of the party wronged. If the woman uses abusive language against the man because he was her husband formerly, she shall pay compensation according to the offence. There shall be no cause of action if the offence is acquiesced in by the party wronged.

[Substantially the same as Manuyin.]

Vicchedant.



- Pānañ.** After dissolution of marriage and partition of property between a man and a woman, if either offends the other, the party wronged shall seize the property of the wrong-doer. Another rule is that the wrong-doer shall be deemed the property of the wronged.
- Kyetyo.** If, after dissolution of marriage and partition of property, the man has sexual intercourse without the woman's consent, or she has sexual union without his consent, on the strength of their former relationship, the whole of the property belonging to the offender shall be seized, and even the offender himself or herself may be regarded as the property of the party wronged. If the woman uses abusive language against the man because he was her husband previously, she shall pay compensation according to the nature of the offence. If the party wronged acquiesced in the offence, there shall be no cause of complaint, and it may be presumed that conjugal relations are revived between them.
- Kyannet.** After divorce between a man and a woman, if he forcibly has sexual intercourse with her, he shall be criminally punished; and if he ill-treats her, he shall pay her compensation.

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#### SECTION 323.

AFTER DISSOLUTION OF MARRIAGE AND PARTITION OF PROPERTY, A HUSBAND AND WIFE HAVING A SEPARATE ESTABLISHMENT MAY, BY MUTUAL CONSENT, RESUME CONJUGAL RELATIONS.

- Mano.** A couple, given in marriage by the parents of both, live apart from their parents. Through mutual want of affection they divorce and partition their property in the presence of witnesses. They may subsequently resume conjugal relations.
- Vilāsa.** If, after divorce and partition of property, the parties thereto resume cohabitation, conjugal relations shall again be established between them.
- Kaingza.** [Substantially the same as Mano.]
- Kandaw.** [Substantially the same as Mano.]
- Tejo.** [Substantially the same as Mano.]
- Vanna-dhamma.** [Substantially the same as Mano.]
- Vaṇṇaṇā.** I, after divorce and partition of property, the parties thereto resume cohabitation, they commit no wrong, and the rights and liabilities existing between them before divorce shall again be established.



If, after divorce, the parties thereto resume cohabitation, conjugal relations shall again be established. Rāsi.

A daughter given in marriage by her parents lives apart from them with her husband. Through mutual want of affection the couple divorce and partition their property in the presence of witnesses. If they subsequently resume cohabitation they commit no wrong. Ditto.  
This rule is as laid down in the Manusāra Dhammathat.

[Substantially the same as Mano.]

Manu.  
vaṇṇanā.

After a couple given in marriage by their parents have set up house by themselves, they divorce and partition their property. If they subsequently resume cohabitation they commit no wrong. Pāṇam.

#### SECTION 324.

AFTER DISSOLUTION OF MARRIAGE AND PARTITION OF PROPERTY, THE WIFE RETURNS TO THE HOUSE OF HER PARENTS AND LIVES WITH THEM: CONJUGAL RELATIONS MAY BE RESUMED ONLY WITH THE CONSENT OF THE PARENTS.

After dissolution of marriage and partition of property, the wife returns to her parents and lives with them, and together eats out of the same pot. The parents have the right to withhold her from her husband if they disapprove of her resuming conjugal relations with him even if she and her husband are both desirous of living together again. Because, the parents have regained their control over their daughter. Māno.

[Substantially the same as Mano.]

Kaingza.

[Substantially the same as Mano.]

Kandaw.

[Substantially the same as Mano.]

Tejo.

[Substantially the same as Mano.]

Vaṇṇa-  
dhamma.

[Substantially the same as Mano.]

Rāsi.

[Substantially the same as Mano.]

Manu-  
vaṇṇanā.

[Substantially the same as Mano.]

Pāṇam.

A married daughter living apart from her parents obtains a divorce from her husband and returns to them. She then comes completely under their control. It is so laid down in the Dhammathats. Kungya-  
linga.



## SECTION 325.

CHILDREN-IN-LAW MAY NOT SUE THEIR PARENTS-IN-LAW  
WHEN THEIR HUSBANDS OR WIVES PROVE UNFAITHFUL OR  
DESERT THEM.

Kaingza.

A man marries a woman after having given her bridal presents, and they live apart from her parents. If she elopes with another man, the husband may not go to law against her parents. The same rule shall, *mutatis mutandis*, apply if the husband deserts the wife and lives with another woman. Because, in youth a person is under the guardianship and control of the parents; but when fully grown up he or she controls and takes care of himself or herself, and this self-control is most difficult. On his or her reaching old age his or her children and grandchildren maintain and look after him or her.

If (after a couple have lived apart from their parents) the wife leaves the husband, he shall search for her; and if the husband deserts the wife, she shall likewise seek for him. The parents-in-law shall in no way be held responsible for the action of their son or daughter. The water in the sea and in rivers is identical in nature, and sea-water is spoken of as river-water when it runs up rivers and streams, and river-water becomes known as sea-water when it enters the sea.

Kandaw.

A man marries a woman after having given her bridal presents and they live apart from her parents. If she elopes with another man, the husband may not take any legal action against his parents-in-law. The same rule shall, *mutatis mutandis*, apply if the husband deserts the wife and lives with another woman. In youth a person is under the guardianship and control of his or her parents; but when grown up he or she has to control himself or herself. In old age his or her children or grandchildren maintain and look after him or her.

After the husband and wife have set up house by themselves, if either deserts the other, it is the duty of that other to find the deserter. Parents control their daughter in her youth, but after she has left them on marriage, she comes under the control of her husband. On his death she controls herself and her parents cannot claim to exercise control over her.

Vanna-  
dhamma.

A man marries a woman after having given her bridal presents. If she misconducts herself after they have set up house by themselves, her parents cannot be held responsible for her conduct. Similarly, if the husband is guilty of a matrimonial fault, his parents cannot be held responsible. Parents are responsible for the acts of their children when the latter are minors and under their control. When the children are grown up and married, the responsibility rests with



themselves alone ; and between husband and wife one is responsible for the acts of the other.

A man and a woman are married after giving and accepting bridal presents, and they live apart from their parents. If either of them proves unfaithful, the wronged party cannot sue for redress against his or her parents-in-law. Because, parental control and responsibility end when children are grown up and married. Between husband and wife one should control the other ; and if one deserts the other, the deserter's parents shall not be held responsible.

Children who are married and settled down in life control themselves. If they desert their wives or husbands their parents shall not be held responsible. The wife is entirely controlled by the husband to whom she is given in marriage by her parents even if she be the daughter of a ruling sovereign. Between husband and wife one is responsible for the other's desertion. Manu-  
vannanâ.

After the husband and wife have set up house by themselves, if one deserts the other, the deserter's parents cannot be sued to restore him or her. Pâṇan.

## CHAPTER XIII.

### ADULTERY.

SECTIONS 326—364. [Omitted.]

### SECTION 365.

A MAN MARRIES A WOMAN NOT KNOWING THAT SHE IS ALREADY MARRIED : AFTER THE BIRTH OF SEVERAL CHILDREN, THE FORMER HUSBAND APPEARS.

Not knowing that she is already married, a man marries a woman who arrives at his house after showing her to other persons. If her former husband appears, she shall be restored to him even though seven children have been born in the meantime. The second husband shall not be liable to any prosecution ; but if he refuses to give up the woman, he may be liable to be prosecuted for adultery. Kaingza.

A man marries a woman not knowing that she is already married. If her former husband appears after several children have been born, and claims her, let her return to him if she desires to do so. The second husband shall not object on the ground that a number of years have elapsed and that several children have been born. If he has sexual intercourse with her after she has returned to her former Dhamma.



husband and resumed conjugal relations with him, he shall be punished for adultery. The above rules refer to cases in which husband and wife are separated owing to disturbances caused by war. On the other hand, if she prefers to remain with the second husband, let her do so. If the former husband has sexual intercourse with her on the strength of their former relationship, he shall be liable to pay compensation for adultery.

Manugyè.

A man marries a woman not knowing that she is already married. Her former husband shall not have any right to resume conjugal relations without her consent: he should claim his wife without giving offence to the second husband. If she admits that the claimant is her former husband and expresses a desire to return to him, let her do so. If the second husband subsequently cohabits with her on the ground that he has already had seven children by her, he shall be deemed guilty of adultery. Because, Manu, the Rishi, says that if the separation between a woman and her husband was due to disturbances consequent on some war or pestilence, she shall be restored to him even if she has borne seven children by another man. On the other hand, if the woman prefers to remain with the second husband, let her do so; and if the former husband has sexual intercourse with her on the strength of their former relationship, he shall be deemed guilty of adultery, and the second husband shall obtain her for good.

; Ditto.

O great king! Owing to war or pestilence, husband and wife are separated and the latter subsequently marries another man. After fifteen years' search the former husband finds her who has in the meantime borne seven children to her second husband. They recognize each other and moreover she had formerly stated that she was already married and had given the name of her husband. Under such circumstances if she desires to live with her former husband, let her do so notwithstanding the second husband's claim on the ground that she has already borne him seven children. Neither the woman nor the second husband may be accused of having committed adultery. The second husband shall be entitled to obtain all the children and the whole of their property. If there are debts, the former husband is bound to discharge them. If, after her return to her former husband and the resumption of conjugal relations with him, the second husband has with her consent sexual intercourse with her, let him pay thirty ticals of silver, the amount of compensation for an offence of adultery. If, on enquiry, she expresses a desire to live again with her second husband, let her pay her *kobo* to her former husband. If, on the other hand, the second husband has sexual intercourse with her without her consent, on the ground that



she has borne him seven children, she shall obtain all the children, and half the property acquired during the marriage, and he shall pay thirty ticals of silver for the offence of adultery. Again, if the woman chooses to remain with the second husband and the former husband has sexual intercourse with her, he shall pay compensation for the offence to the second husband.

*Another rule is as follows :—*If the husband remained unmarried during the whole of the fifteen years he was in search of his wife, he has shown great love for her ; and if she has lost all affection for him and refuses to return to him when found, she shall pay him two-thirds of her *kobo*, but she shall be exempted from this payment if he is also married again.

[Substantially the same as Kaingza.]	Kandaw.
[Substantially the same as Kaingza.]	Tejo.
[Substantially the same as Kaingza.]	Vanna- dhamma.
[Substantially the same as Kaingza.]	Rāsi.
[Substantially the same as Kaingza.]	Manu- vānnanā.
[Substantially the same as Kaingza.]	Ditto.

If a man marries a woman who has been separated from her husband on account of political disturbances not knowing that she is already married, he shall not be accused of adultery. The former husband should request the restoration of his wife without giving offence to her second husband. If the latter subsequently has sexual intercourse with her notwithstanding her expressed desire to return to her former husband, he shall be deemed guilty of adultery even though he may have had seven children by her. On the other hand, the former husband shall be held guilty of adultery if, on the strength of the former relationship, he has sexual intercourse with her notwithstanding her expressed preference to remain with the second husband. In the latter case the second husband shall obtain the woman. So should the wise decide.

There shall be no offence whatever if a man marries a woman not knowing that she is already married, even though she may have borne seven children. But if he has sexual intercourse with her after he has restored her to her former husband, his act becomes criminal.

Not knowing that she is already married, a man marries a woman who arrives at his house, after introducing her to other persons. If



her former husband appears, she shall be restored to him even though seven children may have been born in the meantime.

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SECTIONS 366—377. [Omitted.]

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SECTION 378.

TWO BROTHERS CLAIM THE SAME WOMAN AS WIFE.

Yazathat.

Among those who are related to one another in one or other of the seven kinds of relationship, such as father and son, mother and daughter, brother and sister, &c., one shall not be liable to pay compensation to another for insult or assault, but shall be liable only to defray the costs of the legal proceedings. Because, when any one among such relatives is guilty of a serious crime, all the rest are equally liable to punishment. The following is a precedent.

Once upon a time, there lived in a village not far from the city of Benares, a poor labourer couple, who had two sons. Before the sons were fully grown up and able to help themselves, the old couple died. When thus bereft of their parents the boys became more attached to each other. As was natural with those in their position they maintained themselves by tilling the soil. On attaining a mature age the elder brother married, and he and his wife and younger brother all lived together on the most agreeable and affectionate terms. The wife loved her husband most tenderly and in fact so fervent was her affection for him that she considered his kinsman as her own, and she, therefore, treated her brother-in-law most kindly and lovingly as if he were her son, knowing that he and her husband were early bereft of their parents and that he had grown up under the care and with the support of her husband, besides whom there was none other to love and care for him. The younger brother on his part, behaved in a very affectionate, obedient, and respectful manner towards her and looked upon her as a mother seeing she was as kind to him as his brother. When the rains set in and the agricultural season commenced, both brothers left home for their fields with cattle and implements of husbandry and laboured diligently at their occupation. At that stage of their work when the fields were ready for sowing, the younger brother was sent home to bring their supply of seed-grain because it was thought that the safety of the cattle would be endangered and that work would be interrupted if he were left in charge of them, while the elder brother went home. On reaching home the younger brother found the seed-grain ready laid out in the sun, but as it was near sunset when he was about to return to the fields he was requested by his sister-in-law to rest at home that night and to start



early the next morning, and he complied with the request. When darkness enshrouded them, they both were overcome by strong sexual passion. Casting aside all sense of shame and forgetting their duties towards each other and towards the absent husband and brother, they allowed themselves to become slaves to their lust. As day dawned before they were satiated with their guilty love they even imagined that the sun must have risen that day earlier than usual. The younger brother at last left his sister-in-law's chamber most reluctantly and wended his way to his brother. He had just passed the village limits and entered the woods when shame and remorse seized him and the image of his brother appeared in his mind's eye. As every recurring thought of the wrong he had committed brought additional sorrow in its train he was no longer able to control himself and so he gave vent to anguish and tears. He was so overcome with shame and with the fear of facing his brother that his very existence became a burden to him and so he put an end to his life. The elder brother who remained in the jungle waiting for his return was at a loss to understand his delay and suspecting that something must have gone amiss at home, he hastily directed his steps homeward; but before he reached home, he found on the roadside the dead body of his brother in a pool of blood. Recollecting their early days when they were bereft of their parents and their intimate companionship since then, he became inconsolable at the loss of his brother, and resolving to die like him strangled himself and immediately expired. On the following day, the elder brother's wife became unhappy and dejected, her conscience smiting her for having wronged her husband, while, at the same time, her mind was agitated with a longing for her brother-in-law. As neither of them returned she felt anxious and so left home in search of them. On the border of the woods and in the middle of the road she was confronted with the sight of the two dead bodies, a sight which to her was unbearable and heartrending. She had thus to bewail the loss of her husband who was her first love and to whom she was wedded before she had fully attained woman-hood, and the loss of her brother-in-law in whose loving embrace she was only the night before last, and for whom her love, being of recent growth and owing to its freshness, had not yet abated.

While thus bemoaning her fate an alchemist from the Himalayas, who, in virtue of his chemical and medicinal preparations possessed the supernatural power of making journeys through the air, encountered her near the two dead bodies while he was making an excursion from his mountain fastnesses towards the regions of human abode. On learning the story from her, he asked her to put away all sorrow and anxiety and to set her mind at ease, assuring her that he could, by means of his elixirs, quicken with life even a log of wood.



Then, wishing to indulge in a practical joke, he cut off and exchanged the heads of the two bodies and brought the two corpses to life. The two brothers with their heads exchanged each claimed the woman as his wife. Their case came before many wise men but they were unable to decide it with justice. At last it was brought before the king of Benares for decision. The king carefully considered every fact bearing on the case and came to the conclusion that sexual union was the one thing essential in establishing conjugal relations between man and woman. He accordingly decided that the person with the elder brother's body and the younger brother's head should obtain the woman. It was decided also that the person with the younger brother's body and the elder brother's head should pay the costs of the suit and that he should not be called upon to pay compensation for adultery; because, when the elder brother found his brother's corpse he did not even think of the woman, and loving the brother more than the wife he sought death like him. No compensation should therefore be made payable by one to the other between persons who so loved each other, but the wrong-doer should defray the legal costs.

Therefore the wise have decided that no compensation shall be made payable among persons related to one another in any one of the seven kinds of relationship, when, through anger, one is guilty of insult or of assault, or through avarice, of misappropriation or of theft of another's property, or by becoming a slave to lust is guilty of an adulterous intercourse with another's wife or husband. The reason for the decision is that there exists a natural bond of union and kinship among such relatives; and though one may be guilty of culpable wrong towards another, he or she is not left to his or her own resources in times of adversity or distress but the rest naturally come to his or her aid. Therefore decisions at the present day are made in accordance with the above precedent.

Vinicchaya.

[Substantially the same as Yazathat.]

Pakâsanî.

[Substantially the same as Yazathat.]

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SECTIONS 379—386. [Omitted.]

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SECTION 387.

A CREDITOR TAKES TO WIFE A WOMAN LEFT UNPROVIDED FOR BY HER HUSBAND WHO IS ABSENT ON A TRADING JOURNEY.

Mânussika.

If a creditor has sexual intercourse with his debtor who is the wife of another man, her husband cannot take legal proceedings against the offender until the debt has been discharged.



If a creditor has sexual intercourse with his debtor who is another man's wife, he cannot be punished according to law until the debt has been discharged. Myingun.

If the wife openly contracts debts during the absence of her husband who has been away for eight years without having made adequate provision for her maintenance during his absence, he is bound to discharge the debt on his return. If the creditor has sexual intercourse with her, the husband is entitled to obtain compensation for adultery from the creditor, but he is also bound to discharge his wife's debt together with the interest thereon. Dhamma.

[Substantially the same as Dhamma.]

Manugyè.

If a creditor has sexual intercourse with his debtor who is the wife of another man, he cannot be prosecuted or punished until the debt has been discharged. Manuyin

During the husband's absence on a trading journey, the wife contracts debts in maintaining herself. If her creditor takes her to wife, she has no right to protest and he is not guilty of any offence. The husband can recover his wife on his discharging the liability. Ditto.

The wife contracts debts on account of necessaries during the long absence of her husband who has gone on a trading journey without having made provision for her maintenance. The creditor may take her to wife without being guilty of any offence. Rāśl.

Through anger the husband leaves his wife and goes to a distant place without previously making any provision for her maintenance. She contracts debts through poverty and want and her creditor takes her to wife publicly. The husband cannot, on his return, prosecute the creditor; and if he wishes to have his wife restored to him, he can get her only after liquidating her debts. Manu-  
vaṇṇanā.

[Substantially the same as the first extract from Manu-  
yin.] Vicchedan.

[Substantially the same as the second extract from  
Manuyin.] Ditto.

The husband is legally bound to discharge debts contracted by his wife during his absence in a distant land. He cannot repudiate the liability on the ground that it was contracted without his knowledge and authority. If the creditor has sexual intercourse with her, he shall be liable to pay compensation to the husband, who shall, however, be bound to liquidate her debts. Rājabala.



Manu. If the husband does not wish to prosecute his wife's creditor who has taken her to wife, he shall dissolve the marriage with him by accepting his wife's *kobo*.

Pānam. [Substantially the same as the second extract from Manuyin.]

Cittara. [Substantially the same as Dhamma.]

Ditto. If a married woman who has been taken to wife by her creditor prefers to remain with him, he shall pay (her) *kobo* to her former husband.

Kyetyo. If, through anger, the husband leaves his wife without previously providing for her maintenance, she should maintain herself by honest means. If, on account of his prolonged absence, she is reduced to poverty and want and so contracts debts, and is taken to wife publicly by her creditor, her husband cannot, on his return, take legal steps against the creditor or obtain compensation from him. He may redeem her by discharging her liability.

#### SECTION 388.

A WIFE LEFT UNPROVIDED FOR BY THE HUSBAND WHO IS ABSENT ON A TRADING JOURNEY, SERVES AS A DOMESTIC, AND IS TAKEN TO WIFE BY THE MASTER.

If a woman becomes a servant to a man in consideration of a sum of money borrowed by her to discharge debts contracted for necessities during her husband's absence, the man may, if he likes, take her to wife. The husband may obtain her on his return by redeeming her. If she prefers to remain with the creditor, he shall pay her *kobo* to her former husband. In either case the creditor shall not be deemed guilty of adultery.

Manugyè. Having neither children nor property to sell and maintain herself (during her husband's absence) a woman is obliged to borrow money wherewith to maintain herself; and in liquidation of her liabilities she renders personal service as a domestic servant to her creditor who takes her to wife. If her former husband desires her restoration, let him discharge her liability. If the wife prefers to remain with the creditor, let him give her *kobo* to her former husband. The creditor shall in neither case be deemed guilty of adultery.

Rājabala. Having neither children nor property to sell and maintain herself (during her husband's absence) a woman becomes a servant to a man in consideration of a sum of money with which she discharged her debts contracted for necessities. If the man has sexual intercourse with her, he shall not be liable to pay compensation. Her



husband may obtain her only on satisfying her creditor. If the wife prefers to remain with the creditor, her *kobo* shall be given to her husband as compensation.

SECTION 389. [Omitted.]

SECTION 390.

THE HUSBAND RESIDES IN A DISTANT PLACE, BUT SENDS LETTERS AND MEANS OF SUBSISTENCE TO THE WIFE WHO, HOWEVER, TAKES ANOTHER HUSBAND.

If the wife marries again before the expiry of eight years since her husband's departure on a trading journey, notwithstanding that he has made adequate provision for her maintenance during his absence, she shall be deprived of all the property in her possession, and then sold. Debts, if any, shall also be liquidated by her.

Dhamma.

O great king! If the husband leaves his wife to go to a distant land for the purpose of trading, he should make adequate provision for her maintenance during his absence. If, notwithstanding such provision, the wife marries again before eight years have elapsed since the husband's departure, he shall obtain the whole of the property belonging to them both, and he may sell her. Debts, if any, shall be liquidated by her.

Manugyè.

SECTION 391.

THE HUSBAND, RESIDING IN A DISTANT PLACE, DOES NOT SEND ANY LETTER OR MEANS OF SUBSISTENCE FOR THREE YEARS AND TAKES ANOTHER WIFE; THE CHIEF WIFE KNOWING OF IT, TAKES ANOTHER HUSBAND.

The husband who has left home on a trading journey, or in search of knowledge, marries again because he has to reside away from home, and for three years does not send any letter or means of maintenance to his former wife. On her subsequently becoming cognizant of his new marriage, she shall be at liberty to marry again.

Dhamma.

[Substantially the same as Dhamma.]

Manugyè.

SECTION 392.

THE HUSBAND, RESIDING IN A DISTANT PLACE, SENDS LETTERS AND MEANS OF SUBSISTENCE, BUT TAKES ANOTHER WIFE; THE CHIEF WIFE KNOWING OF IT, TAKES ANOTHER HUSBAND.

The wife shall not be at liberty to marry again on the ground that her husband has taken another wife in a distant place, provided

Dhamma.



that he sends her means of subsistence. If she marries again her former husband shall seize all her property, and the man who marries her shall be liable to pay compensation for adultery.

Manugyè. If the husband who sojourns in a distant place while carrying on some trade or acquiring knowledge, sends letters and presents (means of maintenance) within three years of his departure, the wife has no right to marry again although her husband may have taken another wife. If she marries again, she shall not be free from blame, and shall forfeit her *kobo*. The man who marries her shall also be liable to pay compensation for adultery, if it is proved that he married her with the knowledge that she was the wife of another. Because, a man commits no fault even if he takes ten wives, provided that he communicates with his chief wife and sends her means of subsistence.

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#### SECTION 393.

THE HUSBAND GOES ON A JOURNEY TO ACQUIRE WEALTH OR LEARNING, OR TO PERFORM WORKS OF MERIT WITHOUT MAKING PROVISION FOR THE WIFE, BUT WRITES TO HER EVERY THREE YEARS; THE WIFE, HOWEVER, TAKES ANOTHER HUSBAND.

Dhamma. The husband leaves home on a trading journey or in search of knowledge without making any provision for the maintenance of the wife, being unable to do so. If the husband subsequently sends means of maintenance and letters to his wife, she shall have no right to marry again. The man who marries her with the knowledge that she is the wife of another shall be liable to pay compensation for adultery, and also the woman's *kobo* to her husband.

Manugyè. The husband leaves home on a trading journey or in pursuit of knowledge without providing for the maintenance of his wife, being unable to do so. The wife should conduct herself well and maintain herself in the meantime. If, every three years, the husband sends letters and means of maintenance according to his ability, though it may not be much, she has no right to marry again. The man who marries her knowing her to be already married, shall be liable to pay compensation for adultery, and she shall pay her *kobo*. This rule does not apply to her creditor.

Rajabala. [Substantially the same as Manugyè except that the proviso about the rule not being applicable to the woman's creditor is not given.]



The husband leaves home either to trade, to acquire knowledge, Cittara. to perform meritorious works, or to serve in a war, after making adequate provision for his wife. If she marries again within the periods stipulated by law for her to wait, all her property shall be seized by her former husband, and she may also be sold.

If the husband goes on a trading journey, in search of know- Ditto ledge, for the performance of works of merit, or on military service, the wife shall conduct herself well and wait for her husband although he may not have previously provided for her maintenance. If she does not wait for his return, (but either marries again or misbehaves herself during his absence) the husband may seize all her property. If she repents and undertakes in the presence of witnesses to conduct herself well in future, let her return to her husband. If she does not wish to return, let her restore to him double the presents given her at the time of marriage.

#### SECTION 394.

THE HUSBAND GOES ON A JOURNEY AND DOES NOT RETURN ON THE EXPIRY OF THREE YEARS, AND THE WIFE MARRIES A SECOND HUSBAND; HE, TOO, GOES ON A TRADING JOURNEY AND REMAINS AWAY FOR OVER THREE YEARS; THE WIFE THEN MARRIES A THIRD HUSBAND WHO ALSO GOES ON A TRADING JOURNEY AND DOES NOT RETURN WITHIN THREE YEARS. THEY ALL SUBSEQUENTLY RETURN SIMULTANEOUSLY.

O great king! The husband goes on a trading journey and for three years does not send any news or any property acquired by Waru. him. On the expiry of that period the wife takes another husband after relating her circumstances to the village elders. The second husband also goes on a trading journey and he neither returns home nor sends any news or any property within three years of his absence. The wife then takes a third husband who, likewise, goes on a trading journey. If, after the first husband has been away nine years, the second six years, and the third three years, they all return, the one who arrives first and resumes cohabitation with her, shall obtain her. But if they all arrive simultaneously, the third husband shall obtain her. Thus says Manu.

The husband goes on a trading journey to a distant land without making any provision for the maintenance of his wife during Râst. his absence. Because he does not return and she is reduced to straitened circumstances, the wife marries again on the expiry of three years, after intimating the facts to the village authorities.



The second husband goes away similarly, and as he also does not return she marries a third time (on the expiry of three years) with the knowledge of the village authorities. The third husband also goes away on a similar journey. If, after the first husband has been away nine years, the second six years, and the third three years, they all return simultaneously, the third husband shall obtain the woman. So says Rishi Manu. The above rule is laid down in the Mānussika Dhammathat.

This three years' rule as laid down in the Dhammathats is found also in the sacred writings. In the Garudhamma Jātaka, it is related that a prostitute, who lived in the city of Indapatha, in the country of Kururāja, was firmly established in the five precepts. Wishing to test whether she would still be able to observe the precepts under temptation, the Thagyamin came to her in the guise of a man, gave her a thousand rupees and went away. For three years she did not consort with any one; and after the expiry of that period she approached a judge, explained her case and desired of the judge to know whether she might lawfully receive other men. The judge told her that it was not necessary for her to wait any longer for the man who had given her the money, since he had been away for three years, and that she could lawfully receive other men. The Thagyamin then came again and wishing to proclaim the woman's virtue, he stood in mid-air, spoke highly of her conduct, and then returned to his celestial abode. Therefore, the rule laid down in the Dhammathats, that when the husband leaves the wife without making provision for her maintenance and does not return to her for three years, the wife shall have the right to marry again with the knowledge of the local authorities and elders, is quite in accordance with the religious principles which are embodied in the stories related in the sacred writings.

Manu-  
vannanā.

[Substantially the same as Rāsi.]

Pāṇin.

[Substantially the same as Waru.]

Kungya-  
linga.

[Substantially the same as Rāsi, except that the story is not given.]

Ditto.

The husband goes on a trading journey and does not return although three years have passed away. The wife who was left unprovided for, and is thereby reduced to distress, contracts another marriage, after intimating her circumstances to the local authorities and elders. The second husband goes on a similar journey and does not return for three years. The wife is obliged through poverty and want to contract a third marriage. The third husband also goes away and is absent for three years. Subsequently they



all return simultaneously, and each claims the woman. According to the Manusāra Dhammathat, he whom the woman permits to cohabit with her, first, shall obtain her.

[Substantially the same as Waru.]

Warulinga.

As her husband goes on a trading journey, the wife takes another Cittaia man; he also leaving her for a similar purpose, the wife marries a third husband who also goes to trade. After the first husband has been away nine years, the second six years, and the third three years, the second husband returns and cohabits with the woman. If, subsequently, the first and the third husband return and each claims the woman, they shall not get her. The second husband has the right to retain her as he arrived before the others, and resumed cohabitation with her. But if they all arrive simultaneously the third husband shall obtain the woman.

#### SECTION 395.

IF THE HUSBAND, WHO LIVES IN THE SAME TOWN OR VILLAGE AS THE WIFE, BUT APART FROM HER, FAILS TO RESUME COHABITATION AFTER THE LAPSE OF SOME TIME, THE WIFE IS ENTITLED TO MARRY AGAIN.

A couple live in the same town or village but apart from each other, and one does not go to the other or send any means of subsistence. After the lapse of some time the wife shall be freed from the marriage bond. Myingun.

If the husband who lives in the same town or village as the wife, but apart from her, fails to visit her or send her means of subsistence, he shall not claim her as his wife after the lapse of some time. Manuyin.

If the husband, who lives in the same town or village as the wife, but apart from her, fails to cohabit with her, or send her means of subsistence, she shall be free to marry again after the lapse of some time. Rāst.

Having no affection for the wife, the husband ceases to have any conjugal relations with her. She therefore contracts another marriage publicly. If, on the strength of their former relationship, her former husband assaults her, or tries to exercise marital rights, he shall be severely punished. If, on the other hand, it is the wife who refuses to cohabit with the husband, because he belongs to a lower social class, she shall pay compensation in accordance with the Dhammathats. The above is the rule laid down in the Manusika Dhammathat. Ditto.



- Vicchedanī. [Substantially the same as the first extract from Râsī.]
- Pāpam. If the husband, who lives in the same town or village as the wife, but apart from her, fails to resume cohabitation with her, or to send her means of subsistence, she shall be freed from the marriage bond after the lapse of three years.
- Kungya-linga. [Substantially the same as Manuyin.]
- Warulinga. If the husband, who lives in the same town or village as the wife, but apart from her, does not resume cohabitation for three years, the marriage shall be deemed to be dissolved although there is no formal divorce.
- Kyetyo. If the husband, who lives in the same town or village as the wife, but apart from her, fails to cohabit with her or send her means of subsistence, she shall be freed from the marriage bond after the lapse of three years. The husband has no right to interfere if she contracts a second marriage.
- Kyannet. The husband lives in the same town or village as the wife, but does not cohabit with her; neither does he send her means of subsistence nor give her notice (of his intention to divorce her); but he takes another wife. The (neglected) wife shall be free to marry again after two years of such neglect. If, however, the husband remains unmarried, she shall obtain her freedom only after three years.

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SECTION 396. [Omitted.]

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SECTION 397.

PENALTY FOR TAKING A LESSER WIFE.

- Vilāsa. If the husband takes a lesser wife, he shall be expelled from the house after compelling him to leave behind even his clothes. The wife shall be entitled to everything belonging to them.
- Dhamma-thak yaw. If the husband takes a lesser wife, he shall be expelled from the house after making him leave behind even his clothes.
- Manu-vapnanā. If the husband takes another wife against the wishes of his chief wife, he shall be made to discharge all debts, and shall be expelled from the house after compelling him to leave even his clothes behind.

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SECTIONS 398 and 399. [Omitted.]



SECTION 400.

WHILE HER HUSBAND IS DETAINED AS A PRISONER OF WAR,  
THE WIFE TAKES ANOTHER HUSBAND.

While the husband is detained as a prisoner of war, the wife Kaingza. takes another husband. When the former husband returns after the restoration of peace and order, the second husband shall give up the woman to her former husband, and he shall, moreover, forfeit the presents given her at the time of marriage. The reason for the rule is that the second husband takes her to wife knowing that she has not shown any patience to wait for her former husband. But if she marries again after waiting for him patiently for some length of time, the former husband shall have no right to claim restoration of her.

[Substantially the same as Kaingza.]

Kandaw.

[The same as Kaingza.]

Tejo.

[Substantially the same as Kaingza.]

Vanna-  
dhamma.

[Substantially the same as Kaingza.]

Rasi.

While the husband is detained as a prisoner of war, the wife takes another husband. When the former husband returns after the restoration of peace and order, the second husband shall give up the woman to him, and shall, moreover, forfeit the presents given her at the time of marriage. The reason for the rule is that the second husband takes her to wife knowing that she has not patiently waited for her former husband. However, if a considerable period has elapsed before the former husband's return, she need not be restored to him. Manu-  
vaṇṇā.

[The same as Vannadhamma.]

Ditto.

[Substantially the same as the first extract from Manu-  
vaṇṇā.] Paṇaṁ.

The wife shall wait six years when her husband is taken prisoner in war. Kyannet.

SECTION 401.

THE WIFE, WHO IS TAKEN IN WAR DURING HER HUSBAND'S  
ABSENCE, MARRIES AGAIN.

If, during her husband's absence, the wife is taken prisoner in a war, her captor may marry her before the expiration of the periods specified for her to wait for her husband according to the vary- Kaingza.



ing circumstances which caused his absence. Because, no adverse claim can be preferred to the person who, or the property which, is captured in war.

Kandaw.	[Substantially the same as Kaingza.]
Vanna- dhamma.	[Substantially the same as Kaingza.]
Manu- vannanā.	[Substantially the same as Kaingza.]
Pāpañ.	[Substantially the same as Kaingza.]

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SECTIONS 402—407. [Omitted.]

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SECTION 408.

THE HUSBAND DIES DURING THE WIFE'S ELOPEMENT WITH  
ANOTHER MAN WHO SUBSEQUENTLY SELLS OR DESERTS HER

Kaingza. The husband dies during the wife's elopement with another man. If the man sells her he shall give her the money realized as well as the usual compensation for the offence of adultery. If he expels her he shall pay her one hundred ticals of silver, and shall never afterwards claim her as his wife. Because, he has acted deceitfully.

Kandaw. [Substantially the same as Kaingza.]

Ditto. If the man who elopes with another man's wife sends her away, he shall, if he is unmarried, give her a slave as compensation, but if he is a married man, he shall, in addition to the slave, give her half the value of the slave.

Vanna-  
dhamma. [Substantially the same as Kaingza.]

Rāsi. [Substantially the same as Kaingza.]

Manu-  
vannanā. The husband dies during the wife's elopement with another man. If the man subsequently sells her, he shall pay her the money realized. And if he expels her, he shall, according to some authorities, pay her one hundred ticals of silver, or, according to others, a compensation commensurate with the nature of the offence committed by him.

Ditto. If the husband dies during his wife's elopement with another man, no compensation need be given for adultery. But if the man sells her, the money realized as well as the usual compensation for the offence of seduction and adultery shall be given her. Because, he has acted most deceitfully.



[Substantially the same as Kaingza.]

Pāṇāṇi.

SECTION 409.

A MARRIED WOMAN VISITS HER PARAMOUR WHO MAY BE  
EITHER MARRIED OR NOT.

If a man, whether married or single, restores to her husband the woman who comes to him voluntarily, he commits no offence. But if he conceals her and has criminal intercourse with her, he shall be liable to pay compensation according to the nature of the offence. So it is laid down in the Dhammathats.

A woman, who is under the guardianship of her parents, of the betrothed, or of her suitor, leaves such a guardianship and goes to a man. If the man restores her to her guardian he is not liable to any prosecution. But if he conceals her, or if on the recovery of the woman by her guardian she states that she has been concealed, he shall be awarded the punishment of a thief. Ditto.

[Substantially the same as the first extract from Kaing- Kandaw.  
za.]

[Substantially the same as the second extract from Ditto.  
Kaingza.]

[The same as the second extract from Kaingza.] Tejo.

[Substantially the same as the second extract from Vāṇṇa-  
Kaingza.] dhamma.

[Substantially the same as the first extract from Kaing- Ditto.  
za.]

[Substantially the same as the first extract from Kaing- Rāsi.  
za.]

[Substantially the same as the second extract from Ditto.  
Kaingza.]

A married woman either goes to a man or accompanies him on a journey. If he restores her to her guardian he shall not be liable to pay any compensation. But if he conceals her, he shall pay compensation according to the nature of the offence. Mānava-  
vāṇṇā.

The same rule shall, *mutatis mutandis*, apply when a minor leaves the protection of the guardian and goes to a man.

[Substantially the same as the second extract from Ditto.  
Kaingza.]



M a n u -  
vannanā.[Substantially the same as the second extract from  
Kaingza.]

Pāṇaṁ.

[Substantially the same as the first extract from Kaing-  
za.]

## SECTION 410.

THERE IS NO OFFENCE IN ASSOCIATING WITH A MARRIED  
WOMAN WHILE TRAVELLING TOGETHER.

Kaingza.

The Dhammathats lay down that no offence is committed by a man by going along the same road, halting at the same resting-place, putting up in the same house, or journeying in the same boat with a married woman while travelling together, either in the day or in the night; because, as a fellow-traveller she can appeal to him for help when in fear or danger.

Dhamma-  
thatkyaw.

If an unmarried man associates with a married woman because he happens to be journeying on the same road, travelling by the same boat, or putting up in the same house, he commits no offence; because, she can look to him for assistance in case of emergency or danger.

Kandaw.

[Substantially the same as Kaingza.]

V a n n a -  
dhamma.

If a man associates with a married woman while travelling together, *i.e.*, journeys by the same boat or puts up in the same house, &c., he commits no offence, because they are fellow-travellers.

M a n u -  
vannanā.

[Substantially the same as Vāṇadhamma.]

Pāṇaṁ.

[Substantially the same as Kaingza.]

## SECTION 411.

THE WIFE MAY MARRY AGAIN ON HER HUSBAND'S ENTERING  
THE MONKHOOD.

Mano.

A man renounces his wife and family and becomes a monk. If another man has sexual intercourse with the wife there shall be no offence. Similarly, a man commits no offence if he marries a woman whose husband has become a monk; but he shall give her up when the monk leaves the Order and claims her. She shall, however, be emancipated from the marriage bond after the husband has entered and left the Order eight times.

Pya.

A man abandons his wife and becomes a monk; if the woman misconducts herself or marries again she commits no fault. If the



monk leaves the Order on his becoming aware of her conduct, and claims to have her back, she shall return to him. But if eight years have elapsed before he leaves the Order she shall no longer be considered as his wife.

A married man becomes a monk and his wife takes another husband because there is no one to maintain her. The second husband shall not be liable to pay any compensation when the former husband leaves the Order and institutes legal proceedings against him; he shall, however, pay the costs of the suit as there was no divorce between the woman and her former husband. The first husband is entitled to obtain her. Kungya.

[Substantially the same as Mano.]

Kningza.

If the husband becomes a monk, let the wife wait seven days after the expiry of which she is at liberty to marry again, and he shall have no right to claim her subsequently as his wife. Dhamma.

[Substantially the same as Dhamma.]

Manugyd.

[Substantially the same as Mano.]

Kandaw.

A man abandons his wife and family and becomes a monk. If another man has illicit intercourse with her he commits no offence. If the monk returns to the laity, she shall be restored to him. If the husband enters and leaves the Order eight times, the wife shall be emancipated from the marriage bond, and shall be at liberty to marry again. The reason is that he has become a monk several times. Vanna-dhamma.

[Substantially the same as Mano.]

Rast.

A man forsakes his wife and becomes a monk. There is no offence if another man takes her to wife. If the monk, knowing his wife's conduct, turns layman she shall be restored to him. If he enters and leaves the Order eight times, the woman shall be freed from the marriage bond altogether, and she shall be at liberty to marry again. Some ancient works say that the wife shall wait only till the seventh time. Manu-vamant.

A man commits no offence if he marries the woman whose husband has entered the Order. If the husband again becomes a layman his wife shall be restored to him. If he has entered and left the Order seven times, she shall not be bound by the marriage tie any longer. Rajabala.

[The same as Pyu.]

Sônda,



Manu. The husband forsakes his wife and family and becomes a monk. After the lapse of seven days, the wife is entitled to marry again. If the husband enters the Order and leaves it eight times the wife shall be freed from the marriage bond altogether, and she shall be at liberty to contract another marriage. Because, the husband has entered and left the Order several times.

Pānaṁ. There shall be no offence if a woman whose husband has become a monk takes another husband. If the former husband leaves the Order on becoming aware of his wife's conduct, she shall be restored to him. If the husband enters and leaves the Order eight times she need not be restored to him.

Cittara. [Substantially the same as Mano.]

Ditto. The wife shall have the liberty to marry again eight years after the husband has become a monk.

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SECTION 412. [Omitted.]

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SECTION 413.

IF THE CHIEF WIFE PULLS THE EARS OR THE TOP-KNOT OF A WOMAN WHO HAS HAD ILLICIT INTERCOURSE WITH HER HUSBAND, THE LATTER IS ENTITLED TO BECOME THE LESSER WIFE.

Kungya. If a woman has illicit intercourse with the husband of another woman, the latter has the right to pull the ears or the top-knot of the former. If such treatment results in the loss of the ear or of the top-knot, the loser is entitled to claim the man for her husband; and if he refuses to take her to wife he shall pay her sixty ticals of silver as compensation. But if no such loss is sustained he shall pay her thirty viss of copper. The above is the rule laid down in the Dhammathats.

Rājabala. If the chief wife pulls the ears or the top-knot of the woman who has had illicit intercourse with her husband, the latter is entitled to become the man's wife.

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SECTION 414. [Omitted.]

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SECTION 415.

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THE WIFE WHO IS GUILTY OF ADULTERY MUST COMPENSATE HER WRONGED HUSBAND.

Kaingza. If the wife commits adultery, she shall pay her husband forty ticals of silver as compensation.



If the wife behaves disrespectfully and suspiciously, the husband Myingun, shall watch her conduct for a year, at the end of which he may, if he still entertains suspicion, divorce her after demanding her *kobo* from her.

[Substantially the same as Kaingza.]

Kandaw.

[Substantially the same as Kaingza.]

V a n n a -  
dhamma.

If the wife commits adultery, the husband may send her away Manuyin, after demanding her *kobo* from her.

[Substantially the same as Kaingza.]

Rāsi.

[Substantially the same as the last preceding extract.]

Ditto.

If the wife commits adultery, the husband may divorce her after D h a m m a -  
making her pay the *kobo* which is usually forty ticals of silver. sāia.

• [Substantially the same as Kaingza.]

Cittara.

#### SECTION 416.

#### NO ACTION LIES AFTER THE HUSBAND HAS CONDONED THE WIFE'S ADULTERY.

If the husband resumes cohabitation with the wife who has been Pyu, guilty of adultery, the relation of husband and wife shall be re-established. Because, by resuming cohabitation, he shows that he has no desire to divorce her altogether.

There shall be no offence if the husband resumes cohabitation Manuyin, with the wife whom he has divorced for misconduct.

If the husband resumes cohabitation with the wife although he Mann-  
knows that she has committed adultery, he shall have no right to vannañā, accuse her of infidelity. They shall be deemed to have re-established their conjugal relations.

[The same as Pyu.]

Sōnda.

If the husband resumes cohabitation with the wife who has com- Pāṇam, mitted adultery, the relationship of husband and wife shall again be established.

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SECTIONS 417—420. [Omitted.]



## SECTION 421.

THE WIFE, SAYING THAT HER HUSBAND IS INFIRM, POOR, OR UGLY, LIVES WITH ANOTHER MAN WHO IS STRONG, RICH AND GOOD-LOOKING.

Miyingun.

If the wife is guilty of misconduct with a man who is rich and good-looking because of her husband's infirmity, poverty, ugliness and weakness of intellect, the man shall pay the full compensation for adultery. If he is guilty of outward familiarity only, he shall pay half the compensation payable for adultery.

Dhamma-  
thatkyaw.

If a woman does not love her husband because he is ugly, infirm and poor, and misconducts herself with another man, she shall pay her husband thirty ticals of silver, and she herself shall be publicly disgraced and severely chastised.

Dhamma.

If the wife does not love the husband because he is poor and ugly, and lives with a man who is rich and good-looking, and who has criminal intercourse with her although he knows that she is already married, the husband is entitled to seize all the property in the man's possession, and to sell her after shaving her head in four patches.

Manugyè.

The wife does not love the husband because he is ugly and has no ability to acquire wealth, and consorts with a man who is rich and good-looking, and who has criminal intercourse with her although he knows that she has a husband. Under such circumstances the husband is entitled to seize all the property in the possession of the man, and to sell her after shaving her head in four patches.

Vannaná.

If the wife does not love the husband because he is ugly, poor and lacking in energy, and misconducts herself with another man, she shall be publicly disgraced; and the man with whom she has misconducted herself shall also be liable to pay compensation.

Manuyin.

If a woman misconducts herself with a man who is good-looking, well-to-do and affable in manners, because her husband is ugly, poor and has no ability, the man shall pay the full compensation prescribed for seduction and adultery. If there has been only outward familiarity between the man and the woman he shall pay half the usual compensation.

Manu-  
vannana.

If the wife is enamoured of a man who is good-looking, although her husband is in no way blameworthy, she may be sold after shaving her head.

Vicchedani.

If a woman misconducts herself with a man because her husband is ugly, the man shall pay compensation payable for the offence of adultery.



If a woman cohabits with a man who is rich and good-looking, *Rajabala*, because her husband is poor and ugly, and if the man knows that the woman is already married, the husband is entitled to seize all the property in the possession of the adulterer, and the woman may be sold after shaving her head in patches. Because, she has wronged her husband.

If a woman leaves her poor husband and lives with a rich paramour, the husband has the right to seize the property in the possession of the paramour. The woman shall be punished by having her head shaved in four patches, and by compelling her to keep a stall in the market. *Manu.*

The wife leads a dissipated life and does nothing as a means of livelihood, but lives entirely on the earnings of the husband. When the earnings are inadequate she contracts debts; and finally, as a last resource to get out of her difficulties, she goes and lives with another man. Such a wife shall be compelled to pay her *kobo* and shall have her head shaved. *Kyetyo.*

[Substantially the same as *Kyetyo*.]

*Kyannel.*

#### SECTION 422.

THE WIFE WHOSE HUSBAND IS INFIRM, POOR, OR UGLY, ACCUSES A MAN WHO IS STRONG, RICH, AND GOOD-LOOKING.

The wife does not love her husband who is infirm, ugly, or poor, *Pyu*, and desires to marry a man who is energetic and rich. Wherefore she accuses the man of having wronged her. If, after inquiry, he is found to be innocent, she shall pay him compensation according to the nature of the accusation.

The wife having no love for her husband who is infirm, ugly, or poor, desires to marry a man who is energetic, good-looking and rich, and she accordingly accuses him of having wronged her. If her accusation, is found to be false she shall pay compensation according to the nature of the accusation, and she shall be publicly disgraced by her husband.

If a woman accuses a man who is rich of having outraged her, *Kaingza*, because her husband is unenergetic and ugly, she shall compensate the man for the accusation when it is proved groundless. But if the man has indulged in outward familiarity with her, he shall pay half the compensation payable for the offence of which he is accused. If the man denies even the slightest familiarity, and if it is



found impossible to arrive at the truth, let him make an asseveration in a sacred place. If no harm comes to him in the course of the week following, the woman shall be adjudged guilty, and she shall pay compensation according to the nature of the wrong. If she is unable to pay the compensation, she shall become the man's slave. If the woman is proved to be innocent the man who shall be adjudged guilty shall be made to compensate her.

*Note.*—The text of the above two extracts is probably inaccurate.

**Vanna-**  
**dhamma.** If a woman accuses an innocent man of having wronged her, she shall pay him compensation according to the nature of the accusation. Where the man is accused of having outraged her, and it is proved that there has been outward familiarity, he shall pay her half the compensation payable in cases of outrage. Where the accusation is mere assault or insult to outrage her modesty, compensation shall be given accordingly.

**Râsî.** A woman dislikes her husband because he is infirm, ugly, and poor, and she therefore accuses a man of having wronged her. If the accusation is proved to be false, she shall pay him compensation according to the nature of the accusation, and she shall be publicly disgraced.

**Ditto.** If the wife of a man who is infirm, ugly, or poor, falsely accuses a man whom she loves of having wronged her, she shall pay compensation according to the nature of the accusation.

**Ditto.** If a man who is accused by a woman of having outraged her contends that he merely made oral advances, and if it is impossible to find out the truth, let him make an asseveration before a well-known object. If no harm comes to him within the week following, let the woman pay him compensation for the accusation. If she is unable to pay it, let her become his slave. If the man and the woman both belong to the same class and rank, and are on the same social footing, they shall each make an asseveration before a well-known shrine. Whoever of the two comes to any harm shall pay compensation to the other. If no harm comes to either, their case shall be considered to have arisen out of disrespect to authorities, and therefore, they shall make offerings to such authorities. They shall not, however, be made to undergo the ordeal of diving because, being of different sexes, they are unequally matched in endurance.

**Kyctyo.** [Substantially the same as Râsî.]

*Note* —The text is evidently inaccurate.



SECTION 423.

A MARRIED WOMAN SUPPORTS ANOTHER MAN WITH HER HUSBAND'S PROPERTY.

A married woman supports another man with her husband's property. The husband has no right to demand restoration of the property from the man. But the woman may be sold. Pyu.

If a married woman supports another man with her husband's property, the husband is not entitled to demand restoration of the property. Because, the property having been given by the wife, she alone is responsible. Dhamma-  
thatkyaw.

[The same as Pyu.]

Sōnda.

In divorcing a wife who is unfaithful, or a wife who stealthily conveys her husband's property to her paramour, the husband may seize all the property belonging to him and his wife, and send her away with only a suit of clothes. A wife who does not act according to the husband's wishes shall be treated in the same way. If there are no debts, the husband may sell the wife who is guilty of adultery. Manu.

[Substantially the same as Pyu.]

Pāṇaṁ.

Gifts of property made by the wife alone are not valid.

Ditto.

[Substantially the same as Pyu.]

Kyannet.

SECTION 424.

A MARRIED WOMAN ELOPES WITH A MAN WHO SUBSEQUENTLY DESERTS HER AND MARRIES ANOTHER WOMAN.

A married woman elopes with a man, and after living together for some time, he sends her away. He shall give her one slave if he does not subsequently marry, but if he does he shall give her half the value of a slave in addition. Manu-  
vannanā.

A married woman elopes with a married man and they live together. If the man deserts her and returns to his former wife, the deserted woman shall obtain the property taken away at the time of elopement. Even if he desires to restore the property to the former wife, he shall not do so, unless the deserted woman consents to the restoration. Kyannet.

[SECTIONS 425—427. [Omitted.]

SECTION 428.

A MARRIED WOMAN CLAIMS ANOTHER MAN AS HUSBAND.

If, because her husband is lazy, ugly, and poor, a woman falsely accuses a man of having wronged her, she shall pay compensation to the man according to the nature of the accusation. Kandaw.



Manu-  
vannanā If, because she has no affection for her husband, a woman falsely accuses a man of having outraged her, she shall pay him compensation according to the accusation.

Pānaṁ. If a married woman falsely accuses a man of having wronged her, she shall pay him compensation according to the accusation.

Kyannet. A married woman accuses a man of having outraged her. If after enquiry, it is found that no outrage has been committed, but that the man is guilty of verbal insult, he shall pay half the woman's *kobo* as compensation; or if he is found guilty of assault or wrongful confinement, he shall pay the full *kobo* as compensation.

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SECTIONS 429—436. [Omitted.]

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SECTION 437.

A MAN GIVES HIS WIFE TO ANOTHER, BUT SUBSEQUENTLY CLAIMS HER.

Mano. A man gives his wife to another man through affection for him. If, before that other has sexual union with the woman, her husband desires her restoration, he shall pay the man her full *kobo*. If property and slaves are given through affection and subsequently reclaimed, half their value shall be given. So it is laid down in the Dhammathats.

Mānussika. The husband should not publicly give the wife away to another man. If he does so, the man to whom she is given shall obtain her for good. Such action shows that the husband has no love for his wife.

Pyu. [Substantially the same as Mānussika.]

Waru O great king! a man gives his wife away to another; if he subsequently claims to have her back, he shall pay the man her *kobo*.

Kaingza [Substantially the same as Mano.]

Dhamma. A man gives his wife away in marriage to another man. If her former husband claims her subsequently, he shall obtain her back on payment of her *kobo* to the man to whom she was given, provided that the subsequent marriage has not yet been consummated and that she is willing to return to him. But if the marriage has been consummated, he shall pay double her *kobo*, provided also that she consents to return to him. If the woman prefers to remain with the second husband, her former husband shall not obtain her.

Manugyè. If a man publicly gives his wife away in marriage with another man, the latter shall obtain her. If her former husband subsequently



demands her back, he shall obtain her only on payment of her *kobo* to the other man, provided that the marriage has not yet been consummated, and that she is willing to return to him. But if the marriage has been consummated the former husband shall, to obtain her restoration, pay the subsequent husband double her *kobo*; because, if her *kobo* has to be paid before the marriage is ratified by consummation, it is but natural that double her *kobo* should be paid when the marriage has been so ratified. If, however, the wife resents her former husband's treatment and declines to return to him, she shall be at liberty to remain away, and he shall have no right to compel her return; because, he has broken his word.

If a man gives his wife away to another man, and subsequently Ditto. claims her restoration, he shall obtain her, whether she has or has not had sexual union with the man, only on the payment of her *kobo*. If she declines to return to her former husband and prefers to remain with the other man, she is at liberty to do so, and her former husband shall have no right to claim her, because she has already been given away.

[Substantially the same as Mano.]

Tejo.

If a man gives his wife away to another man, and subsequently Rasi. desires to take her back from him, he shall pay the man her *kobo* even though she has not had sexual union with the man.

If a man gives his wife to another man, and subsequently desires Rajabala. to take her back before there has been sexual union between her and the other man, he shall obtain her only on payment of her *kobo* to the man; and on her consenting to return to him. If she says that she no longer has any affection for her former husband, she shall not be compelled to return to him. If there has been sexual union, the law is that the man may retain her.

[Substantially the same as Manussika.]

Sonda.

If a man publicly gives his wife away to another man, the latter Panam. shall obtain her for good.

[Substantially the same as Rasi.]

Ditto.

#### SECTION 438.

THE HUSBAND DIES WHILE THE WIFE IS LIVING IN CLANDESTINE INTERCOURSE WITH A PARAMOUR: THE WIFE WISHES TO MARRY HIM.

A woman keeps a paramour whom she secretly supports with her 5damma. husband's property, and with whom she has criminal intercourse.



If, on the death of her husband, she desires to marry the paramour, and he declines to accede to her wishes, she has no right either to enforce marriage or to demand restoration of the property given him by her. He shall not be liable to any action.

**Manugyè.** A woman keeps a paramour whom she secretly supports with her husband's property, and with whom she has criminal intercourse. If, on the death of the husband, she desires to marry the paramour, and he declines to accede to her wishes saying that he did not promise to marry her but that she, of her own accord, gave him property and allowed him to be intimate with her, she shall have no right either to enforce marriage or to demand restoration of the property given him by her. She brings only shame on herself by her misconduct.

**Râjabala.** With a view to subsequently marry him a woman secretly supports a man with her husband's property, and permits him to have criminal intercourse with her. On the death of her husband she cannot compel the man to marry her, nor can she get back the property given him by her. She brings only shame on herself by going to law.

**Manu.** During the husband's life-time the wife supports another man with her property, and has criminal intercourse with him. She cannot, on the death of her husband, claim to marry the man or demand restoration of the property given by her

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#### SECTION 439

THE WIFE DEMANDS RESTORATION OF GIFTS SECRETLY MADE BY HER HUSBAND TO ANOTHER WOMAN THROUGH AFFECTION.

**Dhamma.** The husband cannot, without the chief wife's knowledge, give her property to his mistress. The property, if given, shall be returned when demanded by the chief wife.

**Manugyè.** The husband secretly supports his mistress with his wife's property. If the wife comes to know of her husband's action, such property shall be restored to her possession.

**Manu.** The chief wife can demand restoration of her property given away by the husband to the lesser wife

**Pânani.** If property belonging to both husband and wife is given by the former, without the latter's knowledge, to a third person other than his lesser wife, such third person is entitled to obtain possession of it. If the person to whom the property is so given is the lesser wife, she shall obtain only half of it.



SECTION 440. [Omitted.]

SECTION 441.

WHETHER A MARRIAGE IS DISSOLVED WHEN A COUPLE HAVE SEPARATED, BUT HAVE NOT YET DIVIDED THEIR PROPERTY.

Though separation on divorce may have taken place between a husband and wife, neither of them should contract a subsequent marriage if no division of property has yet been made. So says Manu, the Rishi. Waru

A couple separate on divorce but no division of their animate and inanimate property has yet been made. If either party marries again, the other shall take possession of the whole of the undivided property. Dhamma

After separation on divorce neither the husband nor the wife shall be debarred from contracting a subsequent marriage, on the ground that no division of their animate and inanimate property has yet been made. Such division can be made according to the terms of the divorce. Manugyā.

Though there may have been divorce between a married couple the marriage shall not, as yet, be dissolved if their property has not yet been divided. Vayyanā.

No marriage shall be dissolved merely on the statements made in the heat of passion by a couple that they do not wish to cohabit any longer. It is only after division of their property that their marriage can be deemed to be dissolved. Rāst.

[The same as the second extract in section 312.]

Ditto.

If, after separation on divorce, but before division of their property, either the husband or the wife contracts a subsequent marriage, he or she shall forfeit his or her share in the still undivided property. The reason is that the subsequent marriage was contracted when they were but personally severed while their interest in their property still remained united. Rājābala.

Although a husband and wife separate on divorce, their marriage shall be finally dissolved only on division of their property. Pāṇam.

If, after separation on divorce by mutual consent (eating pickled tea together) but before division of property, either the husband or the wife contracts a subsequent marriage, the one who remains unmarried shall be entitled to obtain the whole of the still undivided property, but shall not have the right to sue for adultery. Ditto



Warulinga. [ Substantially the same as Waru. ]

Cittara. If, after separation on divorce, but before division of their estate, including both assets and liabilities, either the husband or the wife contracts a subsequent marriage, he or she shall forfeit his or her interest in the estate, and no cause of action shall lie with respect to such interest. Because, though their conjugal relations have ceased, they are still united by joint interest in their estate. \*

Kyetyo. Marriage shall not be deemed to be dissolved, merely because either the husband or the wife desires to cease cohabitation, though no fault can be imputed against either of them. It shall be so deemed when an equal division has been made of their property.

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#### SECTION 442.

THE WIFE BEING SUSPECTED OF MISCONDUCT, A SEPARATION TAKES PLACE; BEFORE THE PROPERTY IS DIVIDED THE WIFE MARRIES THE MAN WITH WHOM SHE IS COMPROMISED.

Dhamma. The husband suspects the wife of misconduct and a separation consequently takes place but their property remains undivided. If she marries the man with whom she has committed herself, her (former) husband shall obtain compensation for seduction and adultery as well as her *kobo* and all the undivided animate and inanimate property.

Manugyè. The husband suspects the wife of misconduct and accordingly accuses her and also complains publicly against the man with whom she is suspected of having misconducted herself. Both she and the man deny the accusation. However, the husband separates from the wife; but before their property is divided she lives with the man. The husband shall obtain compensation for seduction and adultery as well as her *kobo* and the whole of their property.

If the wife admits the accusation the same rule shall apply. So says Manu, the Rishi.

Manu. The above rule refers to a husband and wife, neither of whom has been previously married.

The wife shall not cohabit with the man with whom she is suspected by her husband of having misconducted herself if no division of their property has been made although they have separated. If she does so the man shall pay compensation for seduction and adultery and the wife shall forfeit her right to the property.

Pāṇini. [Substantially the same as the first paragraph in Manugyè.]



The husband accuses the wife of misconduct with another man <sup>Cittara.</sup> and also makes a complaint against him. Both she and the man deny the accusation. However, the husband and wife separate according to law; but before their property is divided the wife co-habits with the man. As suspicion of misconduct has been entertained before the separation of the husband and wife, and the co-habitation of the latter with the man, he shall pay the husband compensation for seduction and adultery according to the class to which the parties belong. The rule applies to a husband and wife, neither of whom has been previously married.

#### SECTION 443.

A MAN SAYS TO A WOMAN HAVING A HUSBAND, "DIVORCE YOUR HUSBAND AND I WILL MARRY YOU"; OR A WOMAN SAYS TO A MAN HAVING A WIFE, "DIVORCE YOUR WIFE AND I WILL MARRY YOU": AFTER ACTING ON THE PROMISE, THE PROMISOR BREAKS HIS WORD AND REFUSES TO MARRY.

According to the Mānussika Dhammathat, if an unmarried <sup>Rats.</sup> man says to a married woman, "Divorce your husband and I will marry you"; or if an unmarried woman says to a married man, "Divorce your wife and I will marry you," and subsequently breaks the promise after the married woman or the married man has acted on the promise held out, he or she (*i.e.*, the promisor) shall be liable to have all his or her property seized by the promisee and shall also be liable to criminal punishment.

If a man says to a married woman, "Divorce your husband and I will marry you," and subsequently breaks his promise when the woman has acted on the promise, all his property shall be seized by her; but according to other authorities she shall only be indemnified for her (pecuniary) loss. The same rules shall, *mutatis mutandis*, apply if a woman says to a married man, "Divorce your wife and I will marry you," and subsequently breaks her promise after the man has acted on it. <sup>Manu-vannanā.</sup>

A man says to a married woman, "Divorce your husband and I will marry you," or a woman says to a married man, "Divorce your wife and I will marry you." If after the promisee has acted accordingly, the promisor refuses to keep his promise, the latter shall be liable to have his or her property seized and to be criminally punished. Because, he or she has acted in such a manner as to cause a separation between husband and wife. <sup>Rājabala.</sup>



Pāṇam. If an unmarried man says to a married woman, "Divorce your husband and I will marry you," and subsequently refuses to marry her, when she, acting on his promise, has separated from her husband leaving behind all her property, he (the promisor) shall indemnify the loss she has suffered. If he is unable to make such indemnity the whole of his animate and inanimate property shall be seized and he shall be criminally punished.

Kyetyo. If an unmarried man says to a married woman, "Divorce your husband and I will marry you," and subsequently fails to keep his promise when she has obeyed him, she is entitled to seize the whole of his property. If an unmarried woman says to a married man, "Divorce your wife and I will marry you," and subsequently breaks her promise when she has acted on it, he is entitled to seize the whole of her property and she shall be criminally punished.

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SECTION 444—452. [Omitted.]

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SECTION 453.

THE WIFE IS NOT RESPONSIBLE FOR THE COMPENSATION WHICH HER HUSBAND IS LIABLE TO PAY FOR ADULTERY.

Kandaw. If a man is guilty of adultery, his parents, brothers, wife and children shall not be held liable to pay any compensation unless they bind themselves to do so. If a suit is brought against them in the absence of such a pledge on their part, the plaintiff shall fail in the suit and shall be liable to defray the costs thereof.

Ditto. If a man is guilty of any of the following offences, namely, insult (imprecations and abusive language), assault, murder, theft, adultery, robbery, and gambling, his wife and children shall not be held liable, though they are his heirs to his estate ; because they are not his natural councillors. Similarly, a man's wife and children shall not be held responsible for the forfeiture of his bail-bond for an offender's due appearance for the defence of any of the offences enumerated above when the offender absconds. If, however, a man stands security for any debt contracted by some other persons, his wife and children shall also be held liable for it.

Manu-  
vaṇṇanā. If after a man has been adjudged liable to pay compensation to another man whom he has wronged, the latter and his wife die, the children of the deceased shall not demand payment of the compensation from the wrong-doer.

Pāṇam If a man is guilty of any of the following offences, namely, insult (imprecations or abusive language), assault, theft, robbery, murder,



adultery, and gambling, his wife and children shall not be held responsible. They shall also be exempt from liability when he stands security for another man who is guilty of the offences enumerated above and the man absconds. If, however, a man stands security for any debt contracted by some other persons, his wife and children shall also be held liable for it.

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SECTION 454.

AFTER COMPENSATION HAS BEEN ADJUDGED, BUT BEFORE DELIVERY OF THE AMOUNT, IF A DIVORCE TAKES PLACE OR IF ANY ONE OF THE THREE PERSONS INTERESTED IN THE MATTER, NAMELY, THE HUSBAND, THE WIFE, AND THE ADULTERER DIES, THE LIABILITY TO PAY COMPENSATION CEASES.

The right to claim compensation from the adulterer ceases on his death. Because, compensation for a wrong is not a debt. Mano.

The adulterer shall be exempt from further liability on the death of the woman. Manussika.

The husband can obtain compensation for the wife's adultery only during coverture. The claim to compensation ceases on his divorcing her or on her death. Ditto.

If the wronged husband dies before he has obtained compensation for his wife's adultery, his relatives have no right to claim the compensation. The adulterer shall be freed from the liability. Ditto.

The husband can obtain compensation for the wife's adultery only during the continuance of the marriage bond. He loses his right to sue for compensation when he divorces her. Pyu.

If a woman who commits adultery during her husband's absence on a journey dies before his return, he loses his right to sue the adulterer who shall, on the woman's death, be freed from all liability Kungya.

[Substantially the same as Mano.] Kaingza.

[Substantially the same as Kungya.] Myingun.

[Substantially the same as Pyu.] Dhamma-  
thatkyaw.

If a woman who has committed adultery dies during her husband's absence or before he has obtained compensation, the adulterer shall be freed from the liability. Dhamma.



Manugyè If a woman who has committed adultery dies before her husband has obtained compensation, the adulterer shall be freed from the liability.

Kandaw. If, after a man has been adjudged liable to pay compensation for adultery, but before it is actually paid, either the woman with whom he committed the adultery or her husband dies, he cannot be sued by the survivor for the compensation.

Vañnanâ If a man dies before he has obtained compensation for his wife's adultery, his parents or relatives shall have no right to sue the adulterer.

Manuyin. If the wife who has committed adultery dies, the husband cannot sue the adulterer for compensation.

Râsi [Substantially the same as Vañnanâ.]

Ditto. If, after a man has been adjudged liable to pay compensation for adultery but before it is actually paid, either he or the woman with whom he committed the adultery dies, the right to sue abates because compensation for a wrong is not a debt.

Vinicchaya. In a case of adultery if any one of the three parties concerned, namely, the wronged husband, the faithless wife, and the adulterer dies, the right to sue for compensation or the liability to pay it shall cease.

It is stated in an old *pyattôn* that the principle of the law as laid down above is applicable to compensation payable for all kinds of sexual offences. Caution should be exercised in the application of the rule.

Manu-vañnanâ. [Substantially the same as the first paragraph of Vinicchaya.]

Pakâsanî. In a case of adultery if any one of the three parties, namely, the wronged husband, the adulterer, and the adulteress dies, the right to sue for compensation ceases. The same rule applies in all cases of sexual offence.

Vicchedanî. If the wife who has committed adultery dies, the adulterer shall be freed from liability.

Sônda. If, after a man has been adjudged liable to pay compensation for adultery but before it has been paid, either he or the adulteress dies, no suit for the compensation shall lie.

Ditto. [The same as Pyu.]



If the wife who has committed adultery dies before the husband Manu. has obtained compensation for the adultery, he shall no longer sue the adulterer for the compensation.

After divorce the husband can no longer claim compensation Pânam. for adultery.

[Substantially the same as Manuvāṇanā.]

Kungya-  
linga.

If a man dies before he has obtained compensation for his wife's adultery, his parents or relatives shall have no right to sue for the compensation. Kyetyo.

If, before compensation for adultery has been paid, either the wronged husband or the faithless wife dies, or, if the offence has been compromised otherwise, the adulterer shall be freed from the liability. Kyannet.

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[SECTIONS 455—458. [Omitted.]]

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The compilation of the law of marriage being original extracts from thirty-four Dhammathats arranged in such a manner that similar rules are grouped together under a single heading, was completed by Kinwun Mingyi who bears the title of Thado Thudhāmmamahā-thettawshe, at one hour after the second Baho (about 12 noon) on Thursday the 7th waning Tazaungmôn 1258 B. E., in the year 2440 of the Buddhist Religion (November 26, 1896, A.D.)









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